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Report of the Security Council mission to Timor-Leste, 3 to 6 November 2012

I. Introduction

1. In his letter dated 31 October 2012 (S/2012/793), the President of the Security Council informed the Secretary-General that the Council had decided to send a mission to Timor-Leste from 1 to 7 November 2012.[1] The mission was composed as follows:

Ambassador Baso Sangqu, Permanent Representative (South Africa), Head of Mission

Ambassador Agshin Mehdiyev, Permanent Representative (Azerbaijan)

Ambassador Manjeev Singh Puri, Deputy Permanent Representative (India)

Ambassador Raza Bashir Tarar, Deputy Permanent Representative (Pakistan)

Ambassador João Maria Cabral, Deputy Permanent Representative (Portugal)

Ambassador Kodjo Menan, Permanent Representative (Togo).

2. The primary purpose of the mission, as set out in the terms of reference approved by all Security Council members, was to reaffirm the Council's commitment to the promotion of long-term stability in the country; to commend the Timorese people for their successful presidential and parliamentary election; to encourage the Government, the Parliament, the political parties and people of Timor-Leste to continue to work together and engage in inclusive dialogue to promote further consolidation of peace, democracy, the rule of law, security sector reform, sustainable social and economic development and national reconciliation in the country, including fostering the role of women in the process; and to express the Council's support to Timorese leadership and ownership of the next phase of development. The mission also wished to express the Council's full support for the work of the United Nations Integrated Mission in Timor-Leste (UNMIT) and the United Nations country team in Timor-Leste and to assess the progress in the phased drawdown of UNMIT operations. The mission was further directed to discuss with the Government its vision of an innovative working relationship of cooperation with the United Nations, and to underscore the international community's long-term

[1] The visit of the Security Council mission to Timor-Leste actually took place from 3 to 6 November 2012.

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commitment to sustainable peace and development in Timor-Leste and for continuing support of bilateral and international partners to these Timorese efforts as needed. The terms of reference of the mission are contained in the annex to the present report.

3. This was the second visit of the Security Council to Timor-Leste since the establishment of UNMIT on 25 August 2006. The Council previously visited in November 2007 following the first presidential and parliamentary elections since the restoration of independence.

4. The mission left New York on 1 November and returned on 7 November. During the visit, the mission met with the President of Timor-Leste, Taur Matan Ruak, the Prime Minister, Kay Rala Xanana Gusmão, the President of the National Parliament, Vicente da Silva Guterres, and the President of the Court of Appeal, Claudio Ximenes (the four organs of sovereignty); the Minister for Foreign Affairs and Cooperation and other senior Government officials; the Minister of Justice, the Prosecutor-General, the Public Defender General, the Anti-Corruption Commissioner and the Deputy Provedor for Human Rights and Justice; members of Parliament; the General Commander of the Polícia Nacional de Timor-Leste (PNTL); the Acting Commander of the defence forces (Falintil-Forças Armadas de Defesa de Timor-Leste (F-FDTL)); leaders of political parties (including the Secretary-General of Fretilin); the Bishop of the Diocese of Dili; and representatives of civil society and women's groups. The mission also met with senior UNMIT officials, including the Acting Special Representative of the Secretary-General for Timor-Leste, Finn Reske-Nielsen, the Deputy Special Representative for Security Sector Support and Rule of Law, Shigeru Mochida, the Police Commissioner, Luis Carrilho, and the Chief of the UNMIT Military Liaison Group, Colonel Martin Dransfield, and members of the United Nations country team, as well as the Commander of the international security forces and the diplomatic community. In addition, the mission visited the Police Training Centre in Dili for briefings by the Centre Director and the PNTL and UNMIT police leadership as well as the town of Same in Manufahi District for meetings with the President of Timor-Leste at the District Administration building and with the PNTL and UNMIT Police Manufahi District Commanders at the Same police station.

II. Visit of the Security Council to Timor-Leste

A. Background and context

5. In explaining the purpose of its visit to the Timorese authorities and other stakeholders, the mission explained that it was guided by the parameters and goals of Security Council resolution 2037 (2012) and the terms of reference approved by the entire Council. The mission indicated that it had also taken account of the assessment and recommendations in the Secretary-General's report issued on 15 October 2012 (S/2012/765), which the Security Council would discuss on 12 November, and that the mission would also report to the Council on the same day. Based on this reporting, the Council would subsequently make a decision regarding completion of the UNMIT mandate.

6. In referring to resolution 2037 (2012), the mission recalled that the Security Council had decided to extend the mandate of UNMIT until 31 December 2012 and

had endorsed its phased drawdown plan, "in accordance with the wishes of the Government of Timor-Leste, conditions on the ground and following the successful completion of the 2012 electoral process", as recommended by the Secretary-General and as reflected in the Joint Transition Plan between the Government and UNMIT of 19 September 2011. The mission highlighted to all interlocutors that the Council had underlined the importance of ownership of the medium-term strategy by the leaders and people of Timor-Leste in the process of tracking progress in the country and assessing the level and form of United Nations support and cooperation with the Government. The mission emphasized that this principle of national ownership and sovereignty would also underpin its discussions throughout the visit.

7. Within this framework, the mission further recalled that, in its resolution 2037 (2012), the Security Council had requested the Secretary-General to submit a report providing recommendations on the completion of the UNMIT mission and the transfer of responsibilities in order to enable the Government and UNMIT to finalize preparations for its withdrawal and had encouraged a timely decision by the Government on the nature, activities and scope of the United Nations role post-UNMIT, in coordination with UNMIT, the United Nations country team and other relevant stakeholders. The mission explained that it had taken account of the Secretary-General's recommendation, in his report of 15 October, that UNMIT continue to proceed with its phased drawdown until the completion of its mandate on 31 December 2012, consistent with the views of the Government as set out in the letter dated 20 September from the Prime Minister addressed to him (S/2012/736) and as envisaged in the Joint Transition Plan. It had noted that, in that letter, the Prime Minister stated that Timor-Leste no longer requires United Nations support through the presence of either a United Nations peacekeeping or political mission beyond the end of 2012 and, consequently, that there is no requirement for the continued consideration of Timor-Leste affairs by the Security Council; that the United Nations will continue to be an important partner in the new phase of the development of the nation; that Timor-Leste, in accordance with the progress it has achieved, and consistent with the principles of the Group of Seven Plus New Deal, would like to establish with the United Nations an "innovative working relationship of cooperation"; and that an example of such an approach could be a two-year appointment of a special envoy of the Secretary-General with a focus on institutional strengthening and development that could provide a direct link between Timor-Leste and the Secretary-General's good offices. In addition, the mission had taken account that the Prime Minister had conveyed that the Government had formed a working group to start discussions with the United Nations on matters identified in the Joint Transition Plan for the post-2012 period (and that the National Planning Matrix will be used to evaluate these activities), and that the Secretary-General had asked his Acting Special Representative to ensure that the UNMIT senior management team and United Nations country team partners fully collaborate with it to facilitate its work. The mission also noted that the Secretary-General had applauded the continued progress in the joint transition process and the close partnership maintained between Timorese and UNMIT counterparts, and called on all involved to continue to work together and intensify their efforts to facilitate the effective implementation of the Joint Transition Plan's remaining activities.

8. In considering that the Secretary-General's report of 15 October presents an extensive assessment of progress achieved in UNMIT's mandated priority areas and remaining challenges, and that the letter of 20 September from the Timor-Leste

Government conveys its position on the post-UNMIT United Nations engagement, the Security Council mission decided to focus on and obtain feedback from the Timorese authorities and other stakeholders on three issues. First, so as to ensure a responsible and informed decision by the Security Council on the transition, the mission sought the view of each Timorese interlocutor on whether they favoured the continued drawdown and closure of UNMIT by the end of December, taking account of the status of implementation of Joint Transition Plan activities, the progress achieved and residual challenges faced by the country, and available capacities and arrangements to meet those challenges. Second, the mission asked the Timor-Leste Government to elaborate on its vision of developing an innovative working relationship of cooperation with the United Nations focusing on institutional strengthening and development during the post-2012 phase, and on the outcome of its working group on post-2012 United Nations activities to be undertaken; it also sought the perspectives of other Timorese interlocutors on the desired form of future United Nations engagement. While acknowledging the core principle of national ownership in respect of the post-UNMIT United Nations role, the mission raised with the Government whether there were any residual matters that would require United Nations assistance, such as the estimated 61 cases that would not be completed by the UNMIT Serious Crimes Investigation Team by the end of December. Third, the mission encouraged the Timorese authorities and people to continue the process of consolidating and building upon their achievements and reforms.

B. Recommendation for completion of the drawdown of the United Nations Integrated Mission in Timor-Leste

9. During discussions with Government and State officials and other Timorese stakeholders regarding the UNMIT drawdown and closure at the end of December, the Security Council mission commended the progress achieved in the country over the decade since the restoration of independence and especially since UNMIT commenced its work in August 2006 in the aftermath of the crisis. The mission noted that, as had been highlighted by UNMIT and United Nations country team officials (and in the Secretary-General's report), there had been tangible progress in multiple areas as well as a number of milestones reached this year, which reflected further consolidation towards sustainable peace, democratic governance, rule of law and socioeconomic development during the transition. Among the poignant examples of the significant advances made, the mission noted the return of some 150,000 internally displaced persons and the closure of tented camps; the maintenance of a calm and stable security situation since the 2008 attacks on the President and the Prime Minister; a continued low reported crime rate after PNTL assumed responsibility for all policing operations in March 2011; Timor-Leste's leadership as Co-Chair of both the International Dialogue on Peacebuilding and State-building and the Group of Seven Plus fragile States to promote aid effectiveness and the achievement of the Millennium Development Goals; the strengthening of capacities of State institutions (including in the security, justice and governance sectors); the conduct of three rounds of presidential and parliamentary elections in 2012 in a peaceful environment with high voter participation that led to the formation of a new Government and the inauguration of a new Parliament, with women assuming 38 per cent of the seats (the highest in the Asia-Pacific region) and

the active participation of the opposition; and the certification of full reconstitution of PNTL on 31 October as capable of conducting all police functions.

10. In addition to progress evidenced on the ground, the mission indicated that it was very encouraged by the political maturity and forward-looking approach shown by Timor-Leste in actively participating within regional and international arenas to contribute to multilateral undertakings, as reflected by the Government's prominent role in recent General Assembly forums focusing on the Group of Seven Plus fragile States, peacebuilding and Education First initiatives as well as in meetings of the Community of Portuguese-speaking Countries. The mission also observed that Timor-Leste's aspiration to join the Association of Southeast Asian Nations (ASEAN) demonstrated its commitment to further strengthen its regional integration and friendly ties with all of its neighbours — a point stressed by the Prime Minister and Minister for Foreign Affairs and Cooperation, among others.

11. At the same time, the mission acknowledged, during discussions, that certain challenges remained in all sectors. In this connection, the mission noted that the Security Council had recalled, in its resolution 2037 (2012), that Timor-Leste had progressed in many aspects of its political, economic and social development, as well as in human resources development and institution-building, but "still faces many challenges and needs continued assistance of bilateral and multilateral partners in order to fully realize its potential for equitable and inclusive sustainable growth". Given further progress achieved over the past year since that resolution, the mission sought the feedback of interlocutors on whether they foresee any problems in proceeding with the drawdown and closure of UNMIT. In recognizing that Timor-Leste was born only 10 years ago, the mission underscored that, like other post-conflict countries, it will inevitably need to continue to tackle longer-term challenges which have no "quick-fix solutions" and will entail sustained efforts over the coming months and years.

Consensus position among the Timorese authorities and other stakeholders

12. The Security Council mission was struck by the consensus among Timorese interlocutors across the spectrum that UNMIT should proceed to close at the end of its current mandate in December, with many of them citing the tremendous progress made by the country in partnership with the United Nations as well as the nature and scope of the remaining challenges to be addressed with the support of the United Nations country team and bilateral and multilateral partners. Interlocutors from the Government and State institutions presented a unified stance in reiterating the position conveyed by the Prime Minister in his letter of 20 September to the Secretary-General: that Timor-Leste, upon UNMIT closure, no longer requires United Nations support through the presence of either a peacekeeping or political mission and consequently there is no requirement to continue to be on the Security Council agenda. Other stakeholders, including political parties outside of the Government (such as Fretilin), civil society and women's groups, similarly conveyed that the UNMIT drawdown should proceed and that peacekeeping support was not needed at this stage of the country's development.

13. The mission also took note that Timorese interlocutors consistently raised three points in connection with this consensus position on the UNMIT drawdown and closure:

(a) First, nearly all interlocutors positively indicated that the progress achieved in the country across various sectors and the maintenance of general stability since the devastating events of 1999 (with some setbacks) was facilitated by the support and partnership provided by consecutive United Nations missions and the country team as well as bilateral and multilateral partners. A number of these interlocutors further stressed that the collaborative relationship and partnership with the United Nations was substantially enhanced through the various modalities of the jointly owned transition process, which was driven by Timorese Government priorities in steering the way forward (for example, the establishment in September 2010 of the High-level Committee on Transition hosted by the President and its joint technical working groups; the reorientation of UNMIT police support to focus on capacity-building as presented in the February 2011 PNTL-UNMIT Police Joint Development Plan; and the September 2011 Joint Transition Plan between the Government and UNMIT);

(b) Second, all interlocutors emphasized that, though UNMIT's peacekeeping presence was no longer needed, it was critical, given the remaining tasks and challenges faced across sectors, for support to continue to be provided by the United Nations country team and bilateral/multilateral partners under arrangements led by the Timorese authorities, which would take account of the experience, expertise and language skills needed to tackle them. A number emphasized that, given certain pressing tasks in sectors and the desire to expedite delivery of tangible results that would impact the daily lives of the population, they considered it preferable and more effective to seek assistance from the United Nations country team and bilateral and multilateral partners, which could provide experts with the required specialized knowledge and skills and familiarity with the conditions on the ground. In addition, they mentioned that lusophone experts often accelerated the pace of such assistance to Timorese stakeholders, including in providing required training and mentoring;

(c) Third, most interlocutors, including the Prime Minister, stressed that, after more than 13 years of United Nations missions operating in their country and in view of the progress that it has made over that period, they felt that it was time for Timor-Leste to break "the dependency cycle" and to stand on its own feet in going forward and taking the lead in tackling remaining challenges as well as identifying those to assist them. They explained that Timor-Leste is no longer a weak, conflict-affected "recipient country", but one which has accomplished many peacebuilding goals and is now focusing on the process of State-building and institutional strengthening and development. They explained that Timor-Leste is also now focused on "giving back" to others in the world to promote peace and development, including through its participation and leadership in bilateral and multilateral initiatives (for example, as Co-Chair of the Group of Seven Plus), in offering its police and military personnel to serve in United Nations missions in conflict-affected regions, and in serving as a "lessons learned" example to countries emerging from similar historical circumstances so that they might benefit from the sharing of their experiences.

Remaining challenges and assistance sought for post-United Nations Integrated Mission in Timor-Leste phase

14. As mentioned above, in discussing the issue of the UNMIT phase-out, Timorese interlocutors dealing with respective sectors consistently referred to

certain remaining tasks and challenges, which the mission found to be strikingly similar across the different sectors. It was also striking that interlocutors considered that these challenges, while significant in certain sectors, were not insurmountable — with proper targeted assistance — and that they had to be viewed in the context of the dire conditions that prevailed at the time of the country's restoration of independence a decade ago (with basic infrastructure and facilities virtually destroyed). In recalling those difficult conditions, interlocutors proudly pointed to the inroads and achievements that the Timorese leaders and people had nevertheless made in proceeding with peacebuilding and State-building during such a relatively short transition period to date. Indeed, as shared with all interlocutors, the mission considered that what had been accomplished by Timor-Leste's leaders and people, particularly when seen within this historical prism, was nothing short of remarkable and reflected an overriding unity of purpose and determination to address core national needs as well as extraordinary resilience.

15. In making these observations, though, the mission considered that its informative discussions with Timorese interlocutors could not be regarded in any way as constituting a comprehensive assessment of the remaining challenges in each sector (particularly given the visit duration and limited travel outside of Dili). Moreover, the Government's working group is currently discussing the types of programmes of activities to be undertaken by the United Nations country team in the post-2012 phase and is reviewing a matrix of potential projects submitted by the team for 2013-2014 within the framework of the five-year Government programme, the Joint Transition Plan, the Millennium Development Goals and the peacebuilding and State-building goals of the New Deal for Engagement in Fragile States. The mission considered that it was important for that national-driven consultative process to be completed, in which UNMIT and the United Nations country team are also engaged.

16. Challenges commonly cited by interlocutors include human resources capacity constraints; further strengthening of State institutions (particularly in the security, justice and socioeconomic sectors); sustained capacity-building support for PNTL and continued security sector reform; enhancement of national judicial capacities and access to justice; reduction and prevention of domestic- and sexual-based violence; ensuring accountability for past crimes as well as current crimes, and recourse for victims; increasing employment opportunities for young people and rural communities; and promotion of equitable and inclusive growth and development so that benefits are reaped by all segments of the population, including through enhanced social services (for example, quality education, health care, improved sustainable livelihoods). Given the focus of the mission's discussions, some of the challenges raised and assistance sought in respect of PNTL and the justice sector are also summarized below.

PNTL

17. The mission arrived in Timor-Leste three days after the 31 October ceremony at the Presidential Palace celebrating the decision by the Prime Minister and the Acting Special Representative of the Secretary-General to certify, through an exchange of letters, the full reconstitution of PNTL as capable of conducting all aspects of police functions throughout Timor-Leste, whereby it would no longer receive operational support from the UNMIT police. At this juncture marking the pinnacle of "PNTL policing ownership", the mission discussed the evolution of the

PNTL-UNMIT police relationship and the prevailing security situation with Secretary of State for Security Francisco da Costa Guterres, PNTL General Commander Longuinhos Monteiro, Deputy General Commander Afonso de Jesus, the Commander of the Police Training Centre, Carlos Jeronimo, and the PNTL Manufahi District Commander in Same (with his UNMIT counterpart) as well as the UNMIT Deputy Special Representative of the Secretary-General for Security Sector Support and Rule of Law and the Police Commissioner, among others. Conveying pride, the Secretary of State for Security and the PNTL General Commander, as well as all other PNTL and UNMIT police officers with whom the mission met, emphasized that the certification of PNTL was a transition milestone for the institution and the culmination of a well-prepared, closely coordinated and joint process between the PNTL and UNMIT police as "partners". They highlighted that the preparatory process was grounded in the phased handover of responsibilities in districts/units from the UNMIT police to PNTL until its esumption of full policing responsibilities on 27 March 2011 (with UNMIT police operational support if required and requested) pursuant to the exchange of letters. Accompanying this resumption, they explained that the signing of the PNTL-UNMIT Police Joint Development Plan on 23 February 2011 (which was based on the PNTL Strategic Development Plan 2011-2012) ensured that UNMIT police capacity-building support focused on the five priority areas identified by the PNTL (legislation, training, administration, discipline and operations), which reinforced a sense of national ownership over a "needs-driven" process and had a discernible positive effect on PNTL officers' attitudes towards such capacity-building efforts. In praising the progress in Joint Development Plan implementation and achievements to date, they commended the commitment shown by PNTL officers and expressed deep appreciation for the cooperation and assistance provided by the UNMIT police under Commissioner Carrilho's leadership in "accompanying them" through the process.

18. In elaborating upon the preparatory process for certification, PNTL and UNMIT police representatives emphasized the transparent assessment of PNTL that was undertaken through jointly established modalities. In this regard, they highlighted that the PNTL/UNMIT Police Working Group on Certification rigorously evaluated the institutional capacities of PNTL on the basis of the three criteria agreed between UNMIT and the Government, entailing broad consultations and on-site field inspections, and submitted a detailed report dated 2 October and recommendations under a transmittal letter of 5 October to the PNTL General Commander and the UNMIT Police Commissioner (that was later shared with the Security Council). They also highlighted that, in that letter, the Working Group stated that it "found that all gaps and weaknesses identified in the joint assessments (of each district and unit) are being, or have already been addressed, and there is identifiable progress in all five areas of the Joint Development Plan, most notably in training and operations, as exemplified respectively by progress towards full academic accreditation of the Police Training Centre and the policing surrounding the 2012 election periods". Further, the representatives explained that the PNTL General Commander and the UNMIT Police Commissioner undertook a joint evaluation of that Working Group report and, in a joint letter dated 12 October to the Prime Minister and Acting Special Representative of the Secretary-General, stated that they endorse the report's conclusions and consider that PNTL meets the mutually agreed criteria for certification, which then led to the ultimate certification decision.

19. While lauding that the Working Group report provided a generally favourable assessment of the enhanced institutional capacities of PNTL and the considerable progress made over the past few years, the PNTL and UNMIT police representatives also noted that the report and recommendations conveyed that a number of remaining gaps and weaknesses in various areas are still being addressed and will require continued support, after the closure of UNMIT, from the United Nations country team and other partners. In the powerpoint briefing presented at the fully packed Police Training Centre auditorium, the PNTL Deputy Commander provided a frank overview of the Working Group report's findings as well as the main recommendations on action needed in each of the five areas of the Joint Development Plan to address these gaps and weaknesses. He pointed out that some of these challenges include logistical and infrastructure deficiencies which require increased budgetary allocations; improvement in asset and facilities management and in communications between PNTL subdistrict, district and headquarters locations (including internet access); continued provision of training for PNTL officers based in the districts and headquarters (including on legal frameworks and community policing doctrine) and the regularization of training focal points throughout the PNTL structures; further development and standardization of secondary legislation; improvement of the PNTL disciplinary regime and reporting mechanisms; and adequate support for implementation of the PNTL-related aspects of the National Action Plan on Gender-Based Violence and for efforts to improve the numbers of female police officers.

20. In conjunction with these recommendations, the PNTL Deputy Commander presented the vision and future support required for "moving forward", with the aim to ensure continued capacity-building of PNTL post-UNMIT for sustainability of institutional development achievements. In explaining that PNTL is leading the process of planning, organizing and coordinating projects and activities supported by donors, including through "Friends of PNTL" meetings, he presented a breakdown of areas for which further support is being sought from the United Nations country team and bilateral partners as essential for continued PNTL capacity-building as well an overview of current bilateral support programmes. He also extended appreciation to UNMIT for the transfer of certain critical equipment and vehicles for PNTL, explaining that discussions were ongoing between the Government and the Mission on arrangements for additional transfers of assets that were much-needed.

21. The mission was encouraged that, throughout all of their discussions, the Secretary of State for Security, the PNTL General Commander and Deputy General Commander as well as the UNMIT Police Commissioner and the Acting Special Representative of the Secretary-General and Deputy Special Representative of the Secretary-General each conveyed that they felt that PNTL was prepared and ready to conduct full policing functions throughout the country and to maintain safety and security for the population. In asserting its readiness, they particularly referred to: (a) the substantially enhanced operational and institutional capacities of PNTL following the extensive training and support provided by the UNMIT police and 19 civilian advisers (with targeted capacity-building since February 2011), bilateral partners (including Portuguese police trainers at the Training Centre), and the PNTL/UNMIT Police/United Nations Development Programme (UNDP) Joint Programme on Strengthening National Police Capacity in Timor-Leste; (b) the fact that, over the 18 months since PNTL has exercised command and control of all

policing operations, the security situation in the country has remained stable and the reported low crime rate has continued to decrease; (c) the performance of PNTL contributed to a peaceful environment for the smooth conduct of the 2012 elections and the formation of a new Government, with PNTL officers effectively handling the public order incidents that arose; and (d) the existing political will among the Timorese leadership to ensure that all remaining PNTL gaps and weaknesses will be addressed. As another example of PNTL's capacities, the PNTL command proudly pointed out that a number of officers have served, and are currently serving, abroad in United Nations missions in order to contribute to peace and security in other parts of the world (for example, in Guinea-Bissau, Kosovo and Lebanon). At the Training Centre, the mission was introduced to the additional 17 PNTL officers (two women) recently cleared for potential deployment to United Nations missions, who movingly shared their keen interest to be given the honour to wear the blue beret and help others while serving under the United Nations banner.

22. In remarks presented by the mission head at the Police Training Centre ceremony, and in all interactions with PNTL and Government interlocutors, the mission commended the commitment and progress made by PNTL since 2006 in getting to the transition's certification "milestone", as well as its close partnership with the UNMIT police who had accompanied it on this journey while respecting its national ownership of the process, which it considered an important aspect of Timor-Leste's "success story". Through its dedicated work in helping to maintain a secure and peaceful environment during the 2012 electoral process, PNTL had not only played a key role in ensuring the success of the elections but in strengthening democracy in the country. The mission conveyed the Security Council's trust that, in moving forward after the UNMIT police drawdown, PNTL will continue to strengthen as an institution and serve as a professional and respected police service to its citizens, abiding by the laws that govern it and promoting the principles and standards that it has established. The mission also regarded the participation of PNTL officers in United Nations peace missions as another important element of Timor-Leste's forward-looking approach to contributing to global peace and security, and applauded PNTL for also serving as a model to other countries in terms of its relatively high percentage of women police officers (18 per cent). Emphasizing that it was vital for women to be part of peace and security efforts everywhere and to also help deal with gender-based and domestic violence incidents, the mission encouraged even more women to become members of PNTL in the future and to serve in United Nations missions abroad.

Justice sector

23. The mission had a combined meeting with Government and State officials leading six of Timor-Leste's justice, human rights and anti-corruption institutions, including Minister of Justice Dionisio Babo Soares, President of the Court of Appeal Claudio Ximenes, Prosecutor-General Ana Pessoa Pinto, Public Defender General Sergio Hornai, Anti-Corruption Commissioner Aderito de Jesus Soares and Deputy Provedor for Human Rights and Justice Silverio Pinto Baptista (the Provedor was out of the country). In addressing whether Timor-Leste could handle outstanding tasks in the sector after UNMIT's closure, including serious crimes cases, Minister Babo and all other interlocutors underscored that the progress achieved, current capacities and outstanding challenges in the sector need to be considered in the context of inroads made since the 2002 restoration of

independence following the tragedy of 1999 and the 24-year Indonesian occupation. Stressing that the justice system was then virtually non-existent, they provided an overview of the evolution and strengthening of a completely new system over the past decade in terms of the establishment and expansion of respective institutions, infrastructure, legal frameworks and national human resources capacities, with the support of United Nations missions, the United Nations country team (particularly UNDP) and other bilateral and multilateral partners.

24. It was highlighted by these interlocutors that the State is committed to rule of law principles as enshrined in Timor-Leste's Constitution and has functioning democratic institutions, strategic plans and qualified personnel in the sector to promote the rule of law, human rights and anti-corruption efforts, though these young institutions still need further strengthening and increased development of specialized human resources skills and capacities as well as continued assistance of United Nations and other partners. While emphasizing that there is still a long way to go in developing the sector's institutions and structures, all of the interlocutors had a unified view that, having benefited from the international community's presence and assistance for so many years, the justice sector is "able to stand up on its own feet" in going forth after UNMIT's closure and has the trust of the population. At the same time, they indicated that, given the many challenges in the sector, it is critical to obtain the further support of the United Nations country team and other partners to assist in addressing them.

25. Interlocutors focused on the two interrelated areas of human resources constraints and institutional strengthening as particularly needing simultaneous attention and support, especially to enhance access to justice for the population throughout all districts, including in rural and isolated areas. In emphasizing the need to further develop and expand institutions and increase the numbers of trained and qualified personnel in the sector to ensure their accessibility to all citizens, interlocutors noted that Timor-Leste currently has four district courts (which actually function as regional courts in covering more than one district and are complemented by UNDP-supported mobile courts), one Court of Appeal (with a Supreme Court expected to be established in two years), a Prosecutor-General's office in six districts, and a Public Defender's office in four districts as well as civil registration offices in all 13 districts. As regards national personnel, they explained that there are 17 judges, 17 prosecutors and 16 public defenders in the country who have graduated from the compulsory two-and-a-half year training programmes at the Legal Training Centre, which has been supported by UNDP and other partners, with its first national Director appointed in 2010.

26. In order to further decentralize judicial services to enhance accessibility to the population, they explained that the current plan is to open courts and Prosecutor-General's offices in all 13 districts as well as additional Public Defender's offices, but that it requires additional numbers of qualified judges (including for the Court of Appeal), prosecutors and other legal practitioners. They highlighted that, due to the limited number of national judges, prosecutors and public defenders, Timor-Leste continues to rely on international judicial personnel, mostly from Portuguese-speaking countries, to perform certain line functions and to provide mentoring to national counterparts. The President of the Court of Appeal recalled that the country had no legal practitioners when the United Nations Transitional Administration in Timor-Leste (UNTAET) began and that experience had shown that it was not easy to quickly increase the number of national judicial personnel as approximately three to

five additional judges and prosecutors had graduated from the Legal Training Centre every two-and-a-half years, which was established in 2004 to provide training in situ instead of abroad. He indicated that it was therefore planned to increase the programmes at the Legal Training Centre so that more qualified legal practitioners become available to serve in the justice system, including private lawyers, which is essential to become self-sufficient in the future. Both he and the Prosecutor-General emphasized that the main target now is to increase the number of fully qualified judges, prosecutors and lawyers, which will require obtaining a larger pool of trainers for the Legal Training Centre, preferably from Portuguese-speaking countries and those from a civil law background, with the support of specialized United Nations agencies. It was pointed out that human resources planning has also been covered in the Justice Sector Strategic Plan for 2011-2030, approved by the Government in 2010, which sets out short-, medium- and long-term benchmarks.

27. In noting that all interlocutors had underscored the importance of national ownership in steering forward but that international assistance was still needed in dealing with remaining challenges, the mission raised the issue that the UNMIT Serious Crimes Investigation Team (supervised by the Prosecutor-General's Office under a memorandum of understanding) would not be able to complete investigations of all serious crimes cases by December. In stressing the need to consider not only pending serious crimes cases but also ordinary crimes being investigated by the justice system, the Prosecutor-General recalled that the UNTAET Serious Crimes Unit had not been able to complete its work by 2002 and that she recently received a report from the UNMIT Serious Crimes Investigation Team that it will not be able to complete 61 investigations of cases for various reasons, including the lengthy time taken to recruit qualified investigators in 2007-2008 and difficulties in undertaking investigations requiring specialized instruments, skills and techniques. While noting that most of the 300 case investigations completed by the Team were sent to archives because of insufficient evidence, she mentioned that one serious crimes file had recently been sent to the court and resulted in a conviction. In going forward, she explained that she expects to retain the international experts currently with her Office, who are mostly from Community of Portuguese-speaking countries such as Cape Verde and Portugal, as well as the Deputy Prosecutor-General (supported by the Office of the United Nations High Commissioner for Human Rights (OHCHR)) and feels they have the expertise to handle the 61 cases, but will need further bilateral and multilateral assistance and cannot ensure that all cases will be finished in 2013-2014.

28. The need to ensure access to justice for all Timorese citizens and related challenges was also underscored by the Public Defender General. In noting that the Office of the Public Defender had four district offices with 16 national staff, he explained that it was planned to open additional offices and further build human resources capacities through increased training of personnel at the Legal Training Centre, with the aim of ensuring that all citizens could exercise the fundamental right of defence and gain access to justice. He indicated that the Office was undertaking efforts to raise awareness among citizens of the formal justice system and how to exercise their rights in court (including in view of ratified conventions relating to gender equality, domestic violence and children's rights), as well as to provide free legal services to the population. At the same time, he stressed that increased national and international support is needed to strengthen the Office's structures and capacities, including through training, for which it will need to

continue to rely on UNDP and other partners such as Brazil, Cape Verde and Portugal after 2012. As regards the Office of the Provedor for Human Rights and Justice, the Deputy Provedor indicated that, as most of the human rights-related violations are perpetrated by PNTL members and second-most by F-FDTL members (with civil servants third), the Office has been conducting human rights training to both security institutions in their training centres. He indicated that the Office works closely with the Prosecutor-General's Office, the Anti-Corruption Commission and the Civil Service Commission and also cooperates with the courts to provide documentation that judges, prosecutors and public defenders may need, and will continue to rely on support provided by OHCHR and UNDP for the future.

29. The Anti-Corruption Commissioner and other interlocutors highlighted that the establishment of the Anti-Corruption Commission in 2010 reflected Timor-Leste's commitment and political will to tackle corruption issues early to avoid bigger problems, as well as recognition that it is not a simple crime (often involving organized crime) and requires special investigators. The Commissioner explained that, with the support of UNMIT, UNDP and other partners, the Commission began operating in 2011 (with high expectations) after a year-long process of recruiting staff and conducted the self-assessment review on the implementation of the United Nations Convention against Corruption that was published that year. However, he indicated that the number of cases investigated has been impacted by human resources constraints and that a major challenge continues to be the limited number of recruited investigators with the requisite qualifications. At the same time, he explained that the strong collaboration and working relations developed with the Prosecutor-General's Office, which has sole authority for prosecutions, has been instrumental in building the capacities of Anti-Corruption Commission investigators and in developing the legal framework to pursue corruption, with a draft anti-corruption law recently discussed with Parliament's Committee A. In going forward to address capacity-building and human resources challenges faced by the Anti-Corruption Commission, the Commissioner stressed that continued cooperation with and support from partners will be important, including UNDP and regional and international anti-corruption agencies.

C. Government view on innovative working relationship of cooperation with the United Nations during the post-United Nations Integrated Mission in Timor-Leste period

30. On 5 November, the mission met with Prime Minister Gusmão and his delegation, which included the Ministers for Foreign Affairs and Cooperation (Mr. José Luis Guterres), Justice (Mr. Dionisio Babo Soares), Finance (Ms. Emilia Pires), Health (Mr. Sergio Gama da Lobo), and Education (Mr. Bendito dos Santos Freitas) as well as Secretaries of State for Defence (Mr. Julio Tomas Pinto) and for the Promotion of Equality (Ms. Idelta Maria Rodrigues). In welcoming the delegation, the Prime Minister conveyed that the United Nations had made an outstanding contribution to Timor-Leste and that successive United Nations missions had supported its people in peacebuilding and State-building in many areas, including in restoring stability, improving institutions and strengthening democratic governance and socioeconomic development. He stated that the Government considered Timor-Leste to be "a success story for the United Nations" and, though there were setbacks over the past decade since independence, they had

now set out a longer-term plan for the country through the Strategic Development Plan for 2011-2030. He explained that the Government looks forward to continuing its relationship with the United Nations after the closure of UNMIT and had been asked by the Acting Special Representative of the Secretary-General to provide more information on its request for an innovative working relationship of cooperation.

31. In elaborating on a "new model" for that relationship, the Prime Minister indicated that the Government favours a model focusing on strengthening of institutions and development that supports implementation of the Strategic Development Plan and the Government's five-year plan within the framework of the Millennium Development Goals and the new framework of the Group of Seven Plus fragile States. He suggested that the model could involve the appointment of a non-resident Special Adviser who would report to the Secretary-General and not to the Security Council and would travel to Timor-Leste at least once a year (or more often if needed) to be present at the Development Partners Meeting. He indicated that the Special Adviser could support implementation of the Strategic Development Plan and efforts to strengthen institutions within the framework of the Millennium Development Goals and the New Deal principles; support the work on the New Deal between donors and recipients; and also assist Timor-Leste in its leadership efforts to strengthen the Group of Seven Plus (as Co-Chair). He further explained that the Adviser could be supported locally by the United Nations country team and the United Nations development framework.

32. In presenting this model within the context of the Group of Seven Plus initiative, the Prime Minister explained that Timor-Leste, as part of the Group of Seven Plus, understands very well the needs of other fragile countries and would like to show how it can work with the United Nations and others in a successful way as, otherwise, it will remain in a "kind of dependency". Under the Group of Seven Plus framework, Timor-Leste first has to take responsibility for its own needs and to assume responsibility for addressing its problems itself, underlining that national ownership means taking responsibility, and can then actively contribute to broader initiatives of the international community. He explained that this is why the Government foresees a role for the United Nations in the context of the Group of Seven Plus, which entails developing trust in the situation of a country and its ability to further develop. He pointed out that Timor-Leste had gone through the initial peacebuilding phase and was now focusing on State-building, with efforts concentrated on addressing major development needs such as education and infrastructure. Considering that Timor-Leste is "in the crossroads", he indicated that it wants to converge with the process of the post-2015 development framework and make a difference through its participation in the process, with both fragile and emerging economies making contributions. He appreciated that the Secretary-General supported the New Deal and Group of Seven Plus approach and was confident that the initiative would make a difference in enhancing aid effectiveness.

33. Addressing the mission's query, the Prime Minister considered that the new model for partnership with the United Nations would need to be agreed upon by the Secretary-General and would not entail reporting to the Council. He believed that this "new model of national ownership" could result in a better coordination mechanism between the United Nations and the Government to support its development priorities, emphasizing that the Special Adviser would work within the Government system — and "with us" — to coordinate with United Nations agencies

so that their programmes are integrated with the Government's five-year programme and the Strategic Development Plan. He considered that this new Group of Seven Plus-linked coordination mechanism would achieve better results for everyone (including Timor-Leste, the United Nations and donors) and that all would benefit from the new model of partnership. Finance Minister Pires (on the Secretary-General's High-level Panel of Eminent Persons on the Post-2015 Development Agenda) further explained that the Prime Minister had set up a task force within the Government on the new model, but that it had not yet completed an in-depth review and would have further discussions with the Acting Special Representative of the Secretary-General. She indicated that the new model was in line with the New Deal principles towards reaching the Millennium Development Goals and would serve as an "interim arrangement" after UNMIT's closure, with the Special Adviser expected to have a broad knowledge of the region and development issues (including investment opportunities) and to help inform the Secretary-General of lessons learned from the Timorese experience as well as to reach out to other Group of Seven Plus countries regarding those lessons. She further mentioned that there would be two Government posts to focus on this new partnership for development and that the Special Adviser could help the national team.

34. In noting that this suggested new model of the relationship would be within the purview of the Secretary-General for further discussion with the Government, and not within that of the Security Council, the mission asked whether there were any residual issues that UNMIT was dealing with that required attention, such as the investigations of serious crimes cases that would not be completed. The mission indicated that it had also raised the issue with justice sector representatives and wished to know how the Government intended to proceed. The Prime Minister confirmed that, while Timor-Leste continued to face challenges, UNMIT could proceed with closure as there were no residual issues to give rise for concern. He recalled the background and rationale for how Timor-Leste had dealt with Indonesia on the serious crimes issue, including the establishment of the Commission for Reception, Truth and Reconciliation and the Commission of Truth and Friendship. On the outstanding serious crimes investigations, he indicated that they will deal with the process and "will close this chapter".

Views of other stakeholders

35. The mission also sought the perspectives of other Timorese interlocutors with whom they met on the desired future United Nations engagement, with some diverging from the Government position. During the meeting with Fretilin Secretary-General Alkatiri (with his three Deputy Secretary-Generals and four Parliament members), he expressed the party's concern about the "appearance" of advances when the reality revealed that Timor-Leste still had a far way to go in terms of democracy, justice and good governance. He mentioned, for example, that everything happens in accordance with the will of one person in power, there is growing impunity and political influence on the courts, corruption is endemic and millions of dollars are spent without results, and inequalities are growing between Dili and the districts. Maintaining that there is no social, formal or economic justice, which is like a "time bomb", he indicated that there should be a national consensus to decide on whether the United Nations is to leave the country. He noted that, before the elections, there had been a consensus between the Government and

opposition that there should be a small political mission to succeed UNMIT, but that the Government later changed its position and made a decision without consultation.

36. On the future United Nations presence, Mr. Alkatiri explained that, while Fretilin agreed that armed forces were no longer needed, it felt that Timor-Leste "still needs the eyes of the United Nations to pay attention to us", and not just a need for the development agencies but also a need for a political relationship between Timor-Leste and the United Nations. In explaining that the party wants the United Nations relationship to be different and does not want "dependency", he stressed that the transition should have been done over the past five years and not only done with one person, as that cannot lead to a "proper transition". They consider that the creative way of the Government will not work as the Special Envoy will just be sent to Timor-Leste periodically and "the Prime Minister will not listen to him". At the same time, Mr. Alkatiri assured that Fretilin will do everything to continue strengthening peace and stability as it wants a viable and sustainable State, and has been trying to have a constructive relationship with the Government though their ideas are ignored in Parliament. While stating that he hoped that the country will not fail again like in 2006, he warned that this may happen, noting, for instance, that the police are not yet ready to take charge of security in terms of command and control, administration and logistics and that there had been no preparation for the next generation of F-FDTL leaders and institution-building to ensure a sustainable transition.

37. At the mission's combined meeting with political parties, representatives of seven parties attended — the Associação Social-Democrata Timorense (ASDT), the Conselho Nacional de Reconstrução do Timor (CNRT), Fretilin, the Partido Democrático (PD), the Partido Social Democrata (PSD), the Partido do Desenvolvimento Nacional (PDN) and the União Nacional Democrática de Resistência Timorense (UNDERTIM) — out of the 11 invited (which met 1 per cent of the parliamentary election vote): Frente Mudança, KHUNTO, the Partido Socialista de Timor (PST) and the União Democrática Timorense (UDT) did not participate. Five of the seven parties expressed the view that, after the closure of UNMIT, Timor-Leste would need continued United Nations support through its agencies, funds and programmes — with which they had excellent cooperation in their work — in order to address remaining challenges, including in the areas of socioeconomic development, institution-building and human resources development, infrastructure, security sector reform (including PNTL strengthening), and aid effectiveness. On the other hand, the PSD representative expressed the view that, though it was time for Timor-Leste to stand on its own in moving forward, his party wanted "a small but significant mission" to follow UNMIT to be able to mobilize resources and coordinate the assistance of United Nations agencies and other development partners so that support would be more efficient. He expressed the hope that such a United Nations mission would also provide this type of support for decentralization efforts and future municipal elections. In addition, the Fretilin representative reiterated (like Mr. Alkatiri earlier) that, given the vulnerability of the country and the unresolved issues (including serious crimes cases), the party would like a small political mission for a finite period after the UNMIT drawdown so that it could monitor the situation. A number of representatives also indicated that, with the departure of UNMIT (which organized regular meetings with all registered political parties), the Government should establish a mechanism for regular

consultation with parties that are not represented in Parliament on issues of national importance so that they can express their views.

38. In the mission's meeting with 9 civil society organizations and women's groups (out of 15 invited), representatives consistently indicated that continued support of United Nations country team entities should be provided to Timor-Leste after UNMIT's closure to address certain unfinished tasks and remaining challenges. In addition, one non-governmental organization was of the view that a small political mission should be established to provide support to the justice sector, and another expressed a preference for the country to remain on the Security Council agenda (as conveyed in a letter to the mission). Strikingly, most representatives expressed particular concerns relating to impunity for past serious human rights violations and serious crimes as well as current crimes, emphasizing that the discontent of victims and their families could also contribute to instability, and appealed for the United Nations to seek ways to ensure accountability and justice (with two appealing for the establishment of an international tribunal). Various representatives also highlighted that United Nations support was needed for programmes and activities relating to women's empowerment and political participation as well as prevention of gender-based and domestic violence and for recourse for victims; improvement of health care, education and social services (for example, to reduce malnutrition, stunting and child and maternal mortality rates); the promotion of inclusive and sustainable economic growth and development (for example, to reduce poverty and increase employment opportunities); the strengthening of PNTL, F-FDTL and justice institutions; conflict prevention; and the distribution of some United Nations facilities to civil society organizations to enable them to better carry out their work.

III. Observations

39. As elaborated above (see paras. 12 and 13), the mission noted that there was a consensus of views among all Timorese interlocutors with whom it met — including those within the Government, State institutions, Parliament, political parties, civil society organizations and women's groups — that UNMIT should proceed with its drawdown and close at the end of its mandate on 31 December 2012, as they consider that Timor-Leste no longer needs the assistance of a United Nations peacekeeping presence at this stage of its development in view of the remarkable progress achieved since the restoration of independence and the remaining challenges. In addition, this position was shared by the UNMIT leadership and senior management team and by representatives of the United Nations country team with whom the mission had extensive discussions on the issue, including regarding their assessment that the Joint Transition Plan's objectives will be met within the remaining mandate period. As regards the remaining PNTL weaknesses and gaps cited in the report of the PNTL/UNMIT Police Working Group on Certification, the mission was heartened by the fact that the PNTL command and Timorese authorities openly acknowledged these challenges and committed to take the necessary action and make appropriate arrangements to address them, including with continued United Nations country team and bilateral and multilateral support. Therefore, given the clear position set out by the Government in the letter dated 20 September from the Prime Minister to the Secretary-General and the above-mentioned unanimity of views, and based on its discussions and observations on the ground, the mission

concurs with the Secretary-General's recommendation that the UNMIT drawdown should proceed until mandate completion on 31 December.

40. The mission appreciated that, further to the position presented in the letter dated 20 September from the Prime Minister to the Secretary-General, the Government elaborated on its vision and possible "model" of an innovative working relationship of cooperation between Timor-Leste and the United Nations for going forward following UNMIT, which was anchored in the principle of national ownership. The vision expressed clearly reflected the Government's collective desire for Timor-Leste to no longer be on the Security Council agenda and to focus on its socioeconomic needs to meet the Millennium Development Goals, the strengthening of institutions and supporting its engagement in and leadership of the Group of Seven Plus initiative. At the same time, the Government indicated that the continued support of the United Nations country team and bilateral and multilateral partners would be needed to tackle remaining challenges in various sectors during the post-UNMIT period. Given that the Government has established a working group which is still engaging in discussions with the Acting Special Representative of the Secretary-General on the type of programmes to be undertaken by United Nations country team entities in the post-2012 phase and on a possible new model involving a non-resident Special Adviser (see paras. 15 and 31 to 34 above), the mission conveyed to the Prime Minister that such a model would be within the purview of the Secretary-General for further discussion with the Government. On the issue of the estimated 61 cases for which investigations will not be completed by UNMIT's Serious Crimes Investigation Team, the mission noted the Prime Minister's position that they would deal with the process and close the chapter, as was also expressed by the Prosecutor-General to the mission. More generally, as noted above, all of the justice interlocutors were unified in the view that the justice sector has the necessary will and capacity to continue to carry out its functions, following UNMIT's closure, in coordination with bilateral and multilateral partners as requested by the Timorese authorities (see paras. 23 to 29 above). The mission also noted that there were some diverging views expressed by those outside the Government on the future United Nations engagement, which have been outlined above (see paras. 35 to 38 above).

41. As amplified in the present report (see paras. 9 and 10 above), and as conveyed to the Government and all other Timorese interlocutors, the mission commends the remarkable achievements made by the country over the past decade in the aftermath of such tragic events in 1999 as well as its political maturity and forward-looking attitude in contributing to important regional and global initiatives, which reflects the resilience, tenacity and commitment of the leadership and people to promote sustainable peace and security and inclusive and equitable development for the population and, in addition, to reach out and help others in the world. Further, the mission applauds the Government and all Timorese for their steadfast collaboration and partnership with UNMIT and the United Nations country team since the Mission's establishment, including during the jointly owned transition process which reinforced the principle of national ownership to the benefit of all. The mission further underscores the continuing commitment and support of the international community to Timor-Leste as it embarks on the critical next stage of its development, in a new form of relationship of cooperation and partnership with the United Nations. Finally, the mission expresses its deepest gratitude to the Government of Timor-Leste, as well as to all interlocutors, for their cooperation and

support during the visit. The mission also expresses its appreciation to the UNMIT leadership and staff, under Acting Special Representative of the Secretary-General Reske-Nielsen, as well as to the United Nations country team entities who tirelessly worked together in such an integrated manner to assist and accompany Timor-Leste through its journey, one that is truly an inspiring lesson.

Annex

Terms of reference for the Security Council mission to Timor-Leste

1. To reaffirm the commitment of the Security Council to the sovereignty, independence, territorial integrity and national unity of Timor-Leste and the promotion of long-term stability in the country;

2. To commend the people of Timor-Leste for their successful presidential and legislative elections and efforts aimed at consolidating peace and democracy in their country;

3. To encourage the Government, the Parliament, the political parties and the people of Timor-Leste to continue to work together and engage in inclusive dialogue to promote the further consolidation of peace, democracy, the rule of law, security sector reform, sustainable social and economic development and national reconciliation in the country, including fostering the role of women in the process;

4. To express the support of the Security Council to Timorese leadership and ownership of the next phase of development;

5. To acknowledge and express gratitude to the Government and people of Timor-Leste for their continued cooperation and collaboration throughout the mandate of the United Nations Integrated Mission in Timor-Leste (UNMIT);

6. To commend and express the full support of the Security Council for the work of UNMIT and for the United Nations country team in Timor-Leste, and to assess the progress in the phased drawdown of UNMIT operations;

7. To discuss with the Government of Timor-Leste its vision of an innovative working relationship of cooperation with the United Nations;

8. To underscore the long-term commitment of the international community to sustainable peace and development in Timor-Leste and the continuing support of bilateral and international partners to those Timorese efforts as needed.

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Report of the Secretary-General on the situation in Abyei

I. Introduction

1. The present report is submitted pursuant to paragraph 15 of Security Council resolution 2047 (2012), in which the Council requested that I continue to inform it of progress in the implementation of the mandate of the United Nations Interim Security Force for Abyei (UNISFA), and to bring to its attention any violation of the 20 June 2011 Agreement between the Government of the Sudan and the Sudan People's Liberation Movement on Temporary Arrangements for the Administration and Security of the Abyei Area (S/2011/384, annex). The report also provides an update on progress made in the implementation of the additional tasks mandated to UNISFA under Security Council resolution 2024 (2011) related to the Joint Border Verification and Monitoring Mechanism. In addition, the report provides an update on the situation in Abyei and on the deployment and operations of UNISFA since my previous report on the matter, issued on 27 September 2012 (S/2012/722).

II. Security situation

2. The security situation in the Abyei Area has remained calm but volatile. The force of between 120 and 150 Sudanese oil police continued to be deployed in the Diffra oil complex, in the northern part of the Abyei Area. Their presence and activities, while limited to the confines of the oil complex, are in violation of the 20 June 2011 Agreement as well as Security Council resolutions 1990 (2011), 2032 (2011), 2046 (2012) and 2047 (2012). No other unauthorized forces were present in the mission's area of operations.

3. With the rainy season beginning to abate, the 2012-2013 annual migration of Misseriya nomads through the Abyei Area commenced and proceeded without any significant security incident. On 22 October, the first groups of nomads, together with their livestock, entered the Abyei Area. As at 12 November, approximately 600 nomads, along with 30,000 animals, were present in the Area. The majority crossed through Farouk, Diffra and al-Askar and reached the Goli area; a small group also arrived in the Kajjam area. Throughout the migration, UNISFA has continued to interact with the leaders of the Misseriya and Ngok Dinka in order to facilitate its peaceful and orderly progression. In meetings with UNISFA on 29 October and 4 November, the leaders of the Misseriya undertook to resolve any possible disputes between their community and the Ngok Dinka through the community joint security committees and the Abyei Joint Oversight Committee. In response to a report

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received from members of the Ngok Dinka on 24 October that 108 of their cattle had been taken by the Misseriya from the Dokura area, UNISFA worked with Misseriya leaders to locate and return 80 of the cattle to the Ngok Dinka community.

4. On 1 November, UNISFA met with Ngok Dinka community leaders in Abyei town to discuss their concerns regarding the upcoming migration and the security of the returning internally displaced persons. The Force closely monitored the continued gradual return of displaced Ngok Dinka to areas north of the Kiir/Bahr el-Arab River. Since the beginning of the migration, UNISFA troops and military observers have conducted approximately 50 day and night patrols per day to prevent intercommunal incidents.

5. On 6 November, UNISFA patrols observed approximately 15 to 20 armed men, allegedly from a Misseriya rebel group, in the Um Khariet area. While the group has so far refused either to leave the area or to disarm, the Force is maintaining a strong security presence in the vicinity. In Noong, one of the northern Ngok Dinka settlements heavily affected by bombing carried out by the Sudanese Armed Forces in May 2010, approximately 40 new returnees have now been confirmed.

6. Commercial activity between the two communities increased during the reporting period. Despite the relocation of the Abyei town market to a new location, away from the mosque, the interactions between the two communities remain extremely tense and the risk of a trading dispute represent a serious security concern.

7. On 12 November, 19 Misseriya tribal leaders were attacked with stones by a group of 35 Ngok Dinka while travelling on a bus through Abyei town, from the local market to the mosque. Five of the Misseriya passengers sustained minor injuries, and all were given refuge within UNISFA headquarters. The following morning, a group of between 35 and 40 Ngok Dinka, including women and children, gathered outside the headquarters, in Abyei town, demanding the removal of the Misseriya from the headquarters. Following the mission's intervention, the crowd dispersed after having presented a letter to the UNISFA Head of Mission. After the incident at UNISFA headquarters, three larger groups of Ngok Dinka gathered in Abyei town. Approximately 200 people gathered outside the mosque. Following an attempt to damage the mosque, UNISFA troops prevented members of the group from advancing and fired shots in the air to disperse the crowd. Regrettably, one UNISFA national staff member was killed and one injured as a result of the violence. Both staff were off duty when the incident occurred.

8. Concurrently, a group of approximately 300 people gathered near the local market. Members of the group threatened to set the market on fire and attempted to attack a number of UNISFA vehicles in the vicinity. UNISFA troops successfully dispersed the crowd near the market. As a result of the tense security situation, the mission relocated to the local market all Misseriya traders present in Abyei town. Additional gatherings of Ngok Dinka at the mosque and the market, which UNISFA successfully dispersed, were reported on the evening of the same day. That same evening, the Misseriya chiefs decided to proceed to Diffra en route to el-Muglad, which they reached safely under UNISFA escort. The Force established checkpoints and monitored movements into Abyei. UNISFA leadership also met with Dinka and Misseriya representatives in an effort to defuse tension.

9. As noted in my previous reports, operations of the United Nations Mine Action Service remain suspended during the rainy season. The Ethiopian demining platoon

was maintained at full capacity to address threats posed by mines and unexploded ordnance. In addition, UNISFA, in coordination with humanitarian agencies, continued a concerted public information campaign to warn and educate the local population about the dangers of mines and unexploded ordnance.

III. Political developments

10. In an effort to implement the provisions of the African Union road map of 24 April 2012 and Security Council resolution 2046 (2012), representatives of the Governments of the Sudan and South Sudan, under the auspices of the African Union High-level Implementation Panel, held the last round of negotiations in Addis Ababa from 6 to 27 September. On 21 September, the Panel submitted to the parties its proposal aimed at resolving the final status of the Abyei Area. The proposal provides for the conduct in October 2013 of a referendum prepared by a commission under the leadership of a Chair nominated by the African Union. Eligible voters would be residents of the Abyei Area, while the referendum commission would ascertain voter eligibility and compile the voter roll.

11. While the Government of South Sudan accepted the Panel's proposal in its entirety, the Government of the Sudan rejected certain of its provisions, particularly the proposed terms regarding voter eligibility for the referendum and the language indicating that the Chair of the Abyei referendum commission would be an international figure appointed by the African Union, rather than a national of one of the two States.

12. On 24 October 2012, at its 339th meeting, the African Union Peace and Security Council received the recommendation of the African Union High-level Implementation Panel with respect to resolving the final status of Abyei and decided to endorse the request that the parties be given another six weeks to reach an agreement or accept its 21 September proposal. The Peace and Security Council also called on the parties to immediately implement the pending provisions of the 20 June 2011 Agreement and, in particular, to establish the Abyei Area joint institutions.

13. On 11 November, as a result of the decision of the African Union Peace and Security Council with respect to resolving the future status of Abyei, the South Sudan Co-Chair of the Abyei Joint Oversight Committee announced that the Government of South Sudan was ready to submit its decision regarding the list of nominees proposed by the Sudan to run the Abyei Area joint institutions. A Committee meeting had been called by the Government of South Sudan on 22 November to enable the parties to finalize decisions on this issue, but the Government of the Sudan requested that the meeting be further delayed.

IV. Status of the Joint Border Verification and Monitoring Mechanism

14. On 27 September, in Addis Ababa, the Governments of the Sudan and South Sudan signed, inter alia, a new agreement on security arrangements. The agreement reaffirms the commitment of the two States to renounce war and to implement all the security agreements and arrangements reached in previous negotiations.

15. In particular, the agreement provides for the operationalization by the parties of the Joint Border Verification and Monitoring Mechanism, in accordance with the administrative and security map presented to them by the African Union High-level Implementation Panel in November 2011. The agreement also provides for additional special arrangements for the establishment of the Safe Demilitarized Border Zone in the "14-mile" area, including the demilitarization of the area and the maintenance of traditional joint tribal dispute resolution mechanisms. These arrangements would be supported by the Joint Border Verification and Monitoring Mechanism, under the supervision of the Joint Political and Security Mechanism.

16. The Sudan and South Sudan also agreed to immediately activate the Ad Hoc Committee, which would be tasked with investigating cross-border allegations, and to immediately open 10 agreed border-crossing corridors. The modalities for the implementation of the agreement remain to be defined and agreed upon within the framework of the Joint Political and Security Mechanism. The Mechanism met in Juba from 5 to 7 November and made some progress towards that objective. It is to continue to finalize the modalities in a forthcoming meeting to be held in Khartoum.

17. The Sudan, South Sudan and UNISFA have deployed 32, 35 and 33 monitors, respectively, to the temporary headquarters of the Joint Border Verification and Monitoring Mechanism in Assosa, Ethiopia. During the reporting period, the Force continued with the integration, training and predeployment procedures in Assosa. It is anticipated that the Joint Border Verification and Monitoring Mechanism will operate in areas where landmines and miscellaneous unexploded ordnance are likely to pose a major threat. In addition, the United Nations Mine Action Service has been working with UNISFA on the finalization of a training schedule for national and international monitors with regard to landmine and unexploded ordnance safety, ammunition recognition, convoy drills and medical training ranging from basic first aid to emergency trauma bag courses.

V. Humanitarian situation

18. The pace of the return of displaced Ngok Dinka to areas north of the Kiir/Bahr el-Arab River remained steady during the reporting period. UNISFA observed that as at 12 November, approximately 13,500 displaced persons had returned, including more than 3,500 to Abyei town, out of the approximately 110,000 people who had fled their homes in May 2011.

19. As a result of significant rehabilitation efforts by the humanitarian community and UNISFA, water points have been established in most of the Abyei Area. Aid agencies and UNISFA are now working to establish much-needed networks to deliver water to resident communities and ensure access to water points in areas traversed by the Misseriya for their migration next year. The World Food Programme continued to provide emergency food assistance to 124,000 individuals in need, 70,200 of whom live in the Abyei Area. The Food and Agriculture Organization of the United Nations provided vaccinations for livestock.

VI. Protection of civilians

20. Apart from one report of cattle-raiding and the above-described incidents of 12 and 13 November in Abyei town, which UNISFA investigated and addressed with both the Ngok Dinka and Misseriya communities, no intercommunal conflict was reported in the Abyei Area during the reporting period. In addition, owing to restrictions on movement caused by the heavy rain and the fact that the subsequent start of the Misseriya migration has not yet, for the most part, reached areas in which the Ngok Dinka community is located, the interaction between the two communities has been very limited.

21. Nonetheless, in anticipation of the heightened security risks associated with the new migration season and the expected increase in the return of displaced Ngok Dinka, UNISFA has developed and begun to implement its new conflict prevention and mitigation strategy. UNISFA plans to create buffer zones to prevent the nomads and their animals from moving into areas populated by Ngok Dinka, and will work with other United Nations agencies to rehabilitate water points and ensure that the Misseriya nomads do not need to move into densely populated Ngok Dinka areas in order to find water. UNISFA will also maintain a robust military posture and a visible force disposition in volatile areas so as to be able to deter violence. The mission is in the process of reconfiguring company and temporary operating bases so that it can react swiftly to any potential threats, as well as enhancing its preventive capability through early warning actions such as securing corridors and access for nomads to water and grazing lands.

22. Finally, UNISFA will continue to interact regularly with the local communities, support actions to improve their welfare and strengthen the joint security committees. The Force has already installed a water tank in Abyei town and plans to assist in the refurbishing of other water yards along the migration routes. Furthermore, aid agencies are developing mechanisms for protection monitoring with logistical and security support from UNISFA, and the Abyei humanitarian team is developing contingency plans in the event of conflict-related displacement.

23. There were no new developments during the reporting period with regard to the operationalization of human rights monitoring in the Abyei Area, as called for in paragraph 10 of resolution 1990 (2011).

VII. Deployment

24. As at 31 October, the military component of UNISFA comprised 3,968 troops, out of its authorized strength of 4,200 (see annex I). The remaining 232 elements comprise those earmarked for deployment within the UNISFA air aviation unit, and military observers and staff officers supporting the Joint Border Verification and Monitoring Mechanism.

25. The UNISFA military component continued to be deployed in three sectors (see annex II). During the reporting period, however, most of the Force's troops were redeployed along the main roads, in view of the extensive deterioration of the supply routes resulting from heavy rain. The temporary operating bases that were formerly located at Um Khariet, Thurpader, Marial Achak, Tejalai, Dungoup, Korognal, Alal, Noong and Anthony have been relocated to permanent company operating bases at

Farouk, Diffra, Goli, Abyei town, Abyei highway, Dokura, Agok, Bantoum and Maniang.

26. The rainy season imposed heavy restrictions on the operational activities of UNISFA. The main road to Diffra was disrupted at Baloom, placing severe limitations on operational activities in Sector North. Within the existing constraints, UNISFA patrols continued to operate extensively with a mix of foot, vehicle-mounted and helicopter-borne patrols, both by day and by night. UNISFA patrols enjoyed complete freedom of movement within the mission's area of responsibility.

27. With the dry season approaching, UNISFA battalions carried out necessary reconnaissance and preparations for deployment at temporary operating bases, in order to ensure a safe migration season and a secure environment for the return of displaced persons. Currently, UNISFA patrols are evaluating the suitability and accessibility of possible deployment sites. In addition, close coordination is being carried out with the United Nations Mine Action Service to reverify routes proposed for use by troops.

28. Meanwhile, a senior police adviser from the Standing Police Capacity in Brindisi, Italy, was temporarily deployed to UNISFA during the reporting period. His work has been focused on conducting an assessment of the rule-of-law institutions in the Abyei Area, including police stations and traditional courts.

VIII. Mission support

29. During the reporting period, fresh food rations for the UNISFA military component continued to be airlifted to the Abyei Area from Wau, South Sudan, and, owing to the road conditions prevailing at this time of the year, to locations in northern Abyei Area and UNISFA deployment sites. As access routes began to dry out, the mission was preparing to repair necessary access roads. Meanwhile, it supported the work of the World Food Programme by providing one rub-hall warehouse in Abyei town for the storage of emergency food supplies.

30. UNISFA successfully completed its second troop rotation, of 1,057 Ethiopian troops. Currently, approximately 50 per cent of the Force's troops continue to live in tents. The transfer of 204 prefabricated containers for hard-wall accommodation and heavy engineering plant equipment from the African Union-United Nations Hybrid Operation in Darfur to the Abyei Area was completed during the reporting period. The tents have been distributed and erected. The engineering equipment has been employed for site preparation in Abyei and in a number of other locations, as permitted by ground conditions. Furthermore, from 7 to 10 October, with the assistance of the United Nations Mission in South Sudan, the Force conducted the reconnaissance of two possible locations of deployment for the Joint Border Verification and Monitoring Mechanism in Upper Nile State, South Sudan.

31. After the Government of the Sudan signed the UNISFA status-of-forces agreement on 1 October 2012, the Government of South Sudan signed a mirror agreement, on 20 November.

IX. Observations

32. The security situation in the Abyei Area remained generally calm during the reporting period. However, the incidents of 12 and 13 November in Abyei town illustrate that intercommunal relations are extremely tense. The risk of violence during the forthcoming migration season remains high.

33. The parties have yet to establish the joint administration institutions and the Abyei Police Service, which are key to the maintenance of law and order in Abyei town, the orderly resettlement of displaced Ngok Dinka and the management of the forthcoming Misseriya nomad migration. The continued presence of Sudanese oil police in Diffra remains a source of political dispute between the parties and the communities, as well as a violation of the 20 June 2011 Agreement and resolutions 1990 (2011), 2032 (2011), 2046 (2012) and 2047 (2012). In addition, the parties must continue with efforts to resolve their dispute over the future status of the Abyei Area.

34. It is essential that the parties maintain a spirit of constructive dialogue and compromise. The persistent differences over the establishment of the Abyei Area institutions and the operationalization of the intergovernmental task force on humanitarian assistance risk undermining efforts to facilitate the return and resettlement of displaced persons and a peaceful migration while attending to people's urgent humanitarian and social needs.

35. I encourage the Abyei Joint Oversight Committee and the local communities, through their influential traditional structures, to take on the primary role of addressing the above-mentioned challenges comprehensively and effectively, with support from UNISFA. In practical terms, the Committee should establish a permanent presence in Abyei with highly qualified and equipped specialized teams that will be tasked with addressing each of the numerous security challenges presented. The UNISFA Head of Mission and Force Commander, Lieutenant-General Tadesse Werede Tesfay, has already impressed upon the Sudanese and South Sudanese Co-Chairs the need for the Committee to assume primary responsibility for addressing these challenges, and they have concurred with him. For this purpose, the Co-Chairs have decided to hold consultations on how to approach the issue of intercommunity dialogue and reconciliation with traditional leaders from the Ngok Dinka and Misseriya communities prior to the next meeting of the Committee. UNISFA will make every effort to ensure that the Committee plays its part in helping to preserve and enhance peace and stability in the Abyei Area.

36. UNISFA is neither mandated nor has the capacity to address the growing law-and-order concerns in the Abyei Area. The scarcity of resources in the Abyei Area and increased contact between the two communities during the coming dry season are likely to make the situation in such locations as Abyei town even more volatile. UNISFA has thus far managed to keep tensions in check. However, the creation of a joint police force is essential to fill the security vacuum following the withdrawal of Sudanese and South Sudanese armed forces. It would also reduce the exposure of the local population and humanitarian actors to the potential risks posed by the activities of criminals. Lastly, it is my hope that progress in the development of local institutions will also result in an agreement on an alternative security arrangement for the oil complex in Diffra, thereby allowing for the withdrawal of the Sudanese oil police.

37. I commend the Governments of Sudan and South Sudan for the constructive spirit displayed during the negotiations in Addis Ababa, which resulted in the signing of nine agreements on 27 September. It is now crucial that the parties use the positive spirit created by the agreements on security and the common border in working for their full and expeditious implementation. The actual establishment of the Safe Demilitarized Border Zone and the operationalization of the Joint Border Verification and Monitoring Mechanism are critical immediate steps in this regard. I urge both Governments to take all measures necessary for the immediate operationalization of the Zone, the Joint Border Verification and Monitoring Mechanism and the Ad Hoc Committee during the next meeting of the Joint Political and Security Mechanism, which is expected to be held in Khartoum. As I have noted before, UNISFA is ready to support the activities of the Joint Border Verification and Monitoring Mechanism as soon as it has been operationalized.

38. Finally, I would like to extend my gratitude to the Government of Ethiopia for its unwavering support for UNISFA. I would like to thank my Special Envoy, Haile Menkerios, and the African Union High-level Implementation Panel, led by President Thabo Mbeki, for their sustained efforts to help the two parties resolve their persistent differences over the practical modalities for implementing the various agreements that they have signed. Moreover, I would like to extend my deep appreciation to the Head of Mission, Lieutenant-General Tadesse Werede Tesfay, and the staff of UNISFA for their tireless efforts to help restore normalcy to the Abyei Area, including by promoting reconciliation and peaceful coexistence among the various communities, often under very difficult conditions.

Annex I

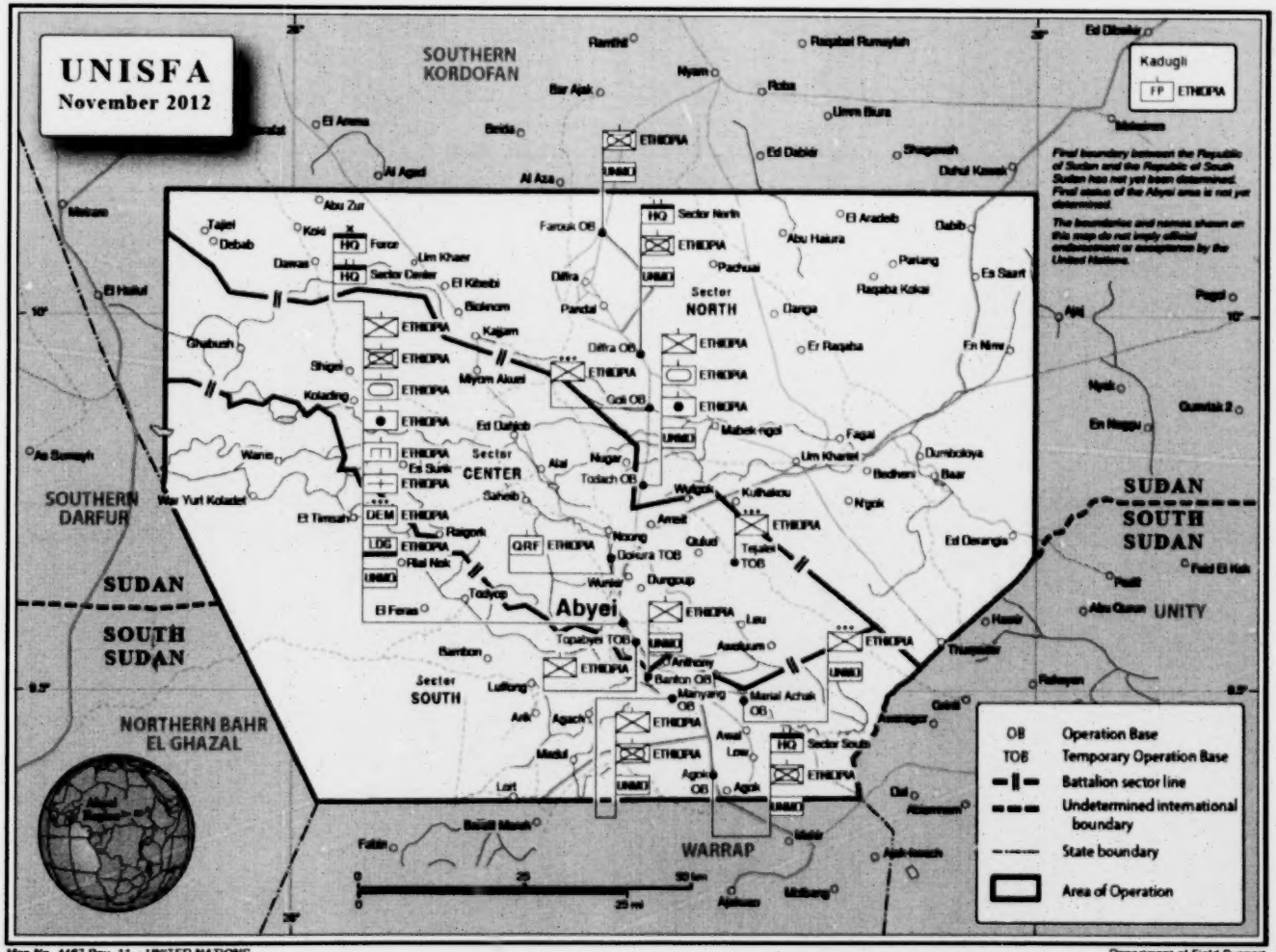
Composition of the military component of the United Nations Interim Security Force for Abyei, including the Joint Border Verification and Monitoring Mechanism

Country	*Description*	*Male*	*Female*	*Total*
Benin	Experts on mission	3		4
	Contingent troops	1		
Bolivia (Plurinational State of)	Experts on mission	3		4
	Contingent troops	1		
Brazil	Experts on mission	1		3
	Contingent troops	2		
Burundi	Experts on mission	1		1
Cambodia	Experts on mission	1		1
Ecuador	Experts on mission	1		1
El Salvador	Experts on mission	1		1
Ethiopia	Experts on mission	81	4	3 890
	Contingent troops	3 588	217	
Ghana	Experts on mission	3		5
	Contingent troops	2		
Guatemala	Experts on mission	2		3
	Contingent troops	1		
Guinea	Experts on mission	2		2
India	Experts on mission	2		4
	Contingent troops	2		
Indonesia	Experts on mission	1		2
	Contingent troops	1		
Kyrgyzstan	Experts on mission	1		1
Malaysia	Experts on mission	1		1
Mongolia	Experts on mission	1		1
Mozambique	Experts on mission	1		1
Namibia	Experts on mission	1		1
Nepal	Experts on mission	3		5
	Contingent troops	2		
Nigeria	Experts on mission	3		4
	Contingent troops	1		
Paraguay	Experts on mission	1		1
Peru	Experts on mission	2		3
	Contingent troops	1		
Philippines	Experts on mission	1		2
	Contingent troops	1		

Country	*Description*	*Male*	*Female*	*Total*
Russian Federation	Experts on mission	1		3
	Contingent troops	2		
Rwanda	Experts on mission	2		4
	Contingent troops	2		
Sierra Leone	Experts on mission	3		3
Sri Lanka	Experts on mission	5		6
	Contingent troops	1		
Ukraine	Experts on mission	2		4
	Contingent troops	2		
United Republic of Tanzania	Experts on mission	1		2
	Contingent troops		1	
Uruguay	Contingent troops	1		1
Zambia	Experts on mission	1		1
Zimbabwe	Experts on mission	2		3
	Contingent troops	1		
Total		**3 746**	**222**	**3 968**

Annex II

Map of the deployment of the United Nations Interim Security Force for Abyei



Map No. 4467 Rev. 11 UNITED NATIONS
November 2012 (Colour)

Department of Field Support
Cartographic Section

United Nations S/2012/891

Security Council

Distr.: General
28 November 2012

Original: English

Letter dated 8 November 2012 from the Secretary-General addressed to the President of the Security Council

I have the honour to write to you regarding the financing of the Special Court for Sierra Leone and the Residual Special Court for Sierra Leone.

The Management Committee of the Special Court for Sierra Leone has informed me that the Court will run out of funding in December and that it will not be possible to secure the necessary voluntary contributions to enable it to complete its work. In addition, the Committee has suggested exploring alternate means of financing the Residual Special Court for Sierra Leone.

The Special Court for Sierra Leone was established at the request of the Security Council by an agreement between the United Nations and the Government of Sierra Leone. Its mandate is to prosecute persons who bear the greatest responsibility for the commission of crimes against humanity, war crimes and other serious violations of international humanitarian law, as well as crimes under relevant Sierra Leonean law committed within the territory of Sierra Leone.

Although financing through assessed contributions is a more viable and sustainable financial mechanism, the Security Council decided that the Special Court for Sierra Leone should be funded from voluntary contributions. Various appeals have been made for funding for the Special Court. Despite these efforts, there will not be sufficient voluntary contributions for the completion of the work of the Special Court.

As you are aware, article 6 of the agreement establishing the Special Court for Sierra Leone provides that, "should voluntary contributions be insufficient for the Special Court to implement its mandate, the Secretary-General and the Security Council shall explore alternate means of financing the Special Court". Pursuant to that provision, I wish to propose to members of the Security Council that one way of addressing the shortfall would be for all of the costs of the Special Court to be provided by assessment, while preserving the independent nature of the Special Court. I recall that previous shortfalls in funding for the Special Court were addressed similarly in 2004-2005 and 2010-2011.

I am aware that when the Security Council concurred with my proposal to seek supplementary means of funding for the Special Court for Sierra Leone in 2010, it did so with the expectation that there would not be additional subventions for the Special Court. At that time, the Special Court was scheduled to complete its work in early 2012. However, it is not possible to project the progress of judicial proceedings with absolute certainty. The trial judgment in the final case before the

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Special Court, involving Mr. Charles Taylor, former President of the Republic of Liberia, was delivered only on 26 April 2012, and he was sentenced on 30 May 2012. Owing to the complexity of the case, it is currently projected that the appeal would be completed by the end of 2013.

It is evident from the statements made during the briefing of the Special Court for Sierra Leone to the Security Council on 8 October 2012 that the Special Court has been successful thus far in carrying out its mandate. But its work is not yet complete, and some challenges still remain. The possibility of the Special Court running out of funds and, consequently, being unable to complete the appeal in the case of Mr. Taylor is a very serious concern. A collapse of this appeal due to lack of funding would raise very substantial issues for the international community. As I have said before, the legacy of the Special Court and the progress that has been made towards ensuring accountability and restoring peace and security in Sierra Leone and the region would be at risk.

The shortfall for the period until the closure of the Special Court for Sierra Leone in late 2013 will be in the region of $14 million. The Security Council may wish to invite me to bring the matter to the attention of the General Assembly with a view to seeking the appropriation of funds for the Special Court, while preserving the independence of the Special Court.

In July 2010, I notified the Security Council of my intention to seek to negotiate and conclude with the Government of Sierra Leone an agreement establishing a residual mechanism for the Special Court for Sierra Leone and the statute of the residual mechanism. The members of the Security Council took note of this intention and agreed to my proposed manner of proceeding. I therefore concluded with the Government of Sierra Leone an agreement establishing the Residual Special Court for Sierra Leone, which entered into force on 2 October 2012. The Residual Special Court will commence functioning immediately upon the closure of the Special Court for Sierra Leone. I am grateful that the Security Council recently welcomed the agreement and expressed its intention to support the Residual Special Court.

The Residual Special Court for Sierra Leone will carry out the functions of the Special Court for Sierra Leone that must continue after its closure, including supervising the enforcement of sentences of the persons convicted by the Special Court for Sierra Leone, managing the archives, protecting and supporting witnesses, reviewing judgments and sentences, responding to requests for access to evidence by national prosecuting authorities, conducting contempt of court proceedings and providing defence counsel and legal aid for any proceedings before the Residual Special Court. It will be a very small and efficient entity, with a minimal number of staff. The estimated annual budget for the continuous activities of the Residual Special Court amounts to $2 million. In addition, there may be costs for ad hoc activities that might arise periodically.

When the agreement was concluded, it was thought that it would be possible to secure voluntary contributions for the operations of the Residual Special Court for Sierra Leone. The recent experience of the Special Court for Sierra Leone, however, has led to the conclusion that, particularly given the long-term nature of residual mechanisms, it would not be prudent to leave the funding of the Residual Special Court to the uncertainties of voluntary contributions. Nor would it be practical to engage in continuous appeals for funding for this purpose. I recall that the Security

Council recently encouraged me to find practicable solutions to address the needs of the Residual Special Court in the most efficient and effective manner. In this connection, article 3 of the agreement provides that alternate means of financing the Residual Special Court may be sought. Pursuant to that article, it is necessary to find a viable and sustainable financial mechanism to ensure secure and continuous funding for the Residual Special Court. Accordingly, I intend to submit a proposal to the General Assembly for alternate means of financing the Residual Special Court.

I should be grateful if you would bring the present letter to the attention of the members of the Security Council.

(*Signed*) **BAN** Ki-moon

United Nations S/2012/892

Security Council

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28 November 2012

Original: English

Letter dated 28 November 2012 from the President of the Security Council addressed to the Secretary-General

I have the honour to inform you that your letter dated 8 November 2012 concerning the financing of the Special Court for Sierra Leone and the Residual Special Court for Sierra Leone (S/2012/891) has been brought to the attention of the members of the Security Council.

Having consulted the members of the Security Council, I wish to inform you that they have taken note with certain reservations of the intention expressed in the letter with respect to your proposal on alternate means of financing of the Special Court for Sierra Leone, and that they request the United Nations Secretariat, the Management Committee and the Registrar and other senior officials of the Special Court to intensify their efforts to balance the budget and fund the activities of the Court through voluntary contributions. I wish to further inform you that there is no agreement with respect to the possible need for alternate means of financing of the Residual Special Court for Sierra Leone.

(*Signed*) Hardeep Singh **Puri**
President of the Security Council

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United Nations A/67/602–S/2012/893

General Assembly
Security Council

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29 November 2012

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General Assembly
Sixty-seventh session
Agenda item 124
International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Security Council
Sixty-seventh year

Identical letters dated 27 November 2012 from the Secretary-General to the President of the General Assembly and the President of the Security Council

I have the honour to transmit to you the attached letter dated 31 October 2012 from Judge Vagn Joensen, President of the International Criminal Tribunal for Rwanda (see annex).

Judge Joensen requests an extension of the term of office of five permanent judges of the Appeals Chamber of the Tribunal until 31 December 2014 or until the completion of the cases to which they are or will be assigned, if sooner.

Pursuant to Security Council resolution 1932 (2010) and General Assembly decision 64/415 B, the term of office of the judges then serving in the Appeals Chamber, namely Judge Mehmet Güney and Judge Andrésia Vaz, was extended to 31 December 2012 or until the completion of their cases, if sooner. At that time, Judge Khalida Rachid Khan, Judge Arlette Ramaroson and Judge Bakhtiyar Tuzmukhamedov were members of the Trial Chamber. The three judges were subsequently assigned to the Appeals Chamber pursuant to article 13, paragraph 3, of the Statute of the Tribunal, as amended by Security Council resolution 1878 (2009), according to which the term of office of each judge redeployed to the Appeals Chamber shall be the same as the term of office of the judges in the Appeals Chamber. Consequently, the terms of office of Judge Khan, Judge Ramaroson, and Judge Tuzmukhamedov are also set to expire on 31 December 2012.

The updated appeals schedule attached to the letter from Judge Joensen shows that the appeals to which these judges are or will be assigned will not be completed

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by the end of 2012. Therefore, it is necessary to extend the term of office of the judges beyond 31 December 2012.

It falls to the General Assembly and the Security Council to consider and decide on this request. Accordingly, I would be grateful if the present letter and the annex thereto were circulated as a document of the General Assembly and of the Security Council.

(*Signed*) **BAN** Ki-moon

Annex

Letter dated 31 October 2012 from the President of the International Criminal Tribunal for Rwanda addressed to the Secretary-General

I am writing to request the extension of the terms of office of the permanent judges of the Tribunal who are members of the Appeals Chamber. In connection with this, I have the honour to submit herewith the current projected appeals schedule (see appendix).

Pursuant to Security Council resolution 1932 (2010), the terms of office of Judges Mehmet Güney (Turkey) and Andrésia Vaz (Senegal) will expire on 31 December 2012. In line with article 13, paragraph 3, of the Statute of the Tribunal, as amended by Security Council resolution 1878 (2009), the terms of office of the Judges redeployed from the Trial Chambers of the Tribunal to the Appeals Chamber automatically become the same as the term of the Judges serving in the Appeals Chamber. Therefore, the terms of office of all permanent judges of the Tribunal who are members of the Appeals Chamber expire on 31 December 2012.

By reference to the attached appeals schedule, and noting their involvement in appeals in the International Tribunal for the Former Yugoslavia, the extension of the terms of office until 31 December 2014 or until completion of the appeals to which they are or will be assigned, if sooner, is sought for the following permanent judges:

Judge Mehmet Güney (Turkey)
Judge Arlette Ramaroson (Madagascar)
Judge Andrésia Vaz (Senegal)
Judge Khalida Rachid Khan (Pakistan)
Judge Bakhtiyar Tuzmukhamedov (Russian Federation)

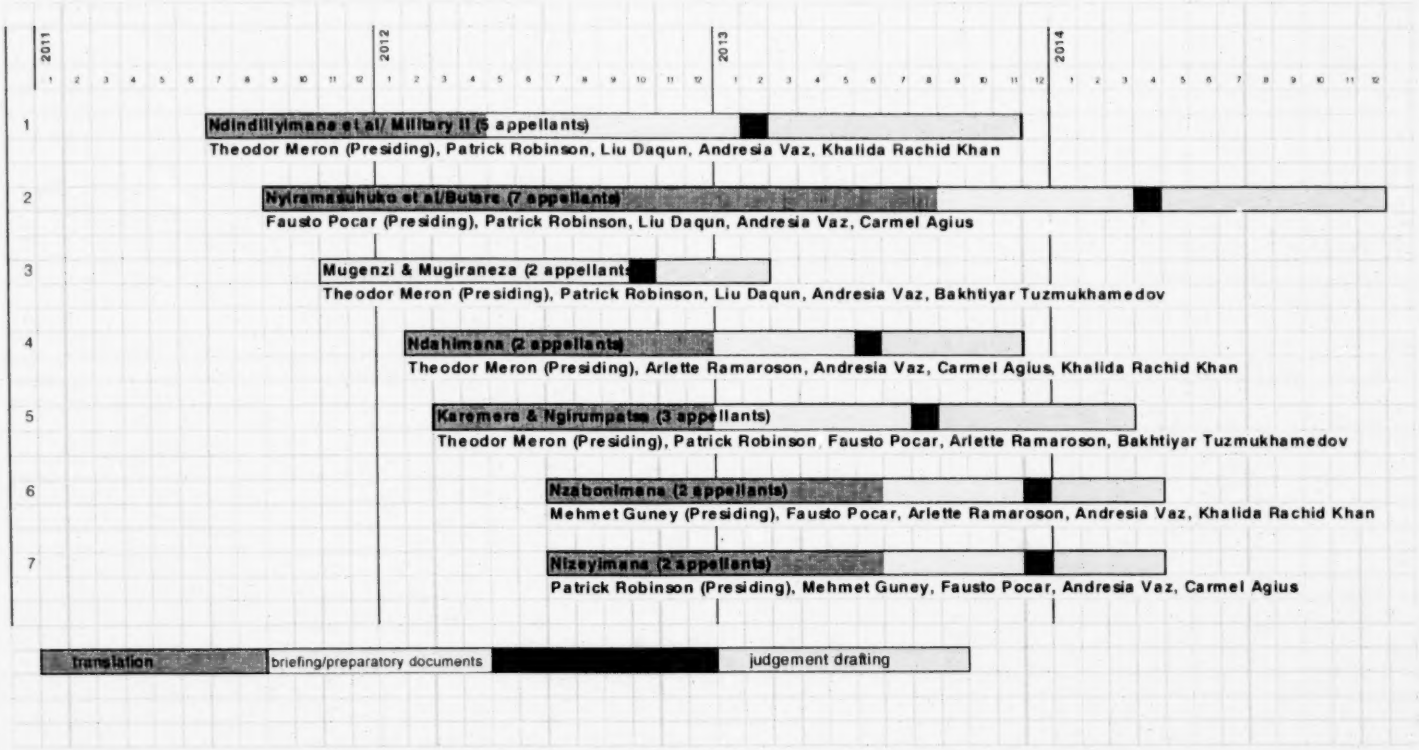
These extensions are of crucial importance in ensuring that the Tribunal can meet the goals of its completion strategy, i.e., the completion of all appeals by the end of 2014.

Therefore, I would be grateful if you would bring the present letter and its appendix to the attention of the Security Council and the General Assembly for consideration and necessary action.

(*Signed*) Judge Vagn **Joensen**
President

Appendix

International Criminal Tribunal for Rwanda projected appeals schedule (as at 31 October 2012)


2011
2012
2013
2014
1 2 3 4 5 6 7 8 9 10 11 12
1
Ndindiliyimana et al/ Military II (5 appellants)
Theodor Meron (Presiding), Patrick Robinson, Liu Daqun, Andresia Vaz, Khalida Rachid Khan
2
Nyiramasuhuko et al/Butare (7 appellants)
Fausto Pocar (Presiding), Patrick Robinson, Liu Daqun, Andresia Vaz, Carmel Agius
3
Mugenzi & Mugiraneza (2 appellants)
Theodor Meron (Presiding), Patrick Robinson, Liu Daqun, Andresia Vaz, Bakhtiyar Tuzmukhamedov
4
Ndahimana (2 appellants)
Theodor Meron (Presiding), Arlette Ramaroson, Andresia Vaz, Carmel Agius, Khalida Rachid Khan
5
Karemera & Ngirumpatse (3 appellants)
Theodor Meron (Presiding), Patrick Robinson, Fausto Pocar, Arlette Ramaroson, Bakhtiyar Tuzmukhamedov
6
Nzabonimana (2 appellants)
Mehmet Guney (Presiding), Fausto Pocar, Arlette Ramaroson, Andresia Vaz, Khalida Rachid Khan
7
Nizeyimana (2 appellants)
Patrick Robinson (Presiding), Mehmet Guney, Fausto Pocar, Andresia Vaz, Carmel Agius
translation
briefing/preparatory documents
judgement drafting

United Nations S/2012/894

Security Council

Distr.: General
29 November 2012

Original: English

Report of the Secretary-General on the situation in Mali

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 2071 (2012), adopted on 12 October 2012, in which the Council requested that I should report on the implementation of the resolution, in particular with regard to the provision of support by the United Nations to the Malian political process and to the planning for a potential deployment of an international military force to assist the Malian armed forces in recovering the occupied regions in the north of the country. The report summarizes major political and security developments in Mali since January 2012, outlines the United Nations multidimensional response to the crisis, presents the activities carried out by the Organization to implement the resolution and makes recommendations with regard to the way forward.

II. Developments since January and United Nations response to the crisis

A. Political and security developments

2. Mali is confronted by a profound crisis with serious political, security, socioeconomic, humanitarian and human rights consequences. At stake are the country's national unity, territorial integrity and its tradition as a multi-ethnic, secular democracy. The crisis stems from long-standing structural conditions such as weak State institutions; ineffective governance; fragile social cohesion; deep-seated feelings among communities in the north of being neglected, marginalized and unfairly treated by the central Government; a weak and externally dependent, albeit vibrant, civil society; and the effects of environmental degradation, climate change and economic shocks.

3. These conditions were exacerbated by more recent factors of instability. Domestically, the Malian ruling elite was perceived in many quarters as guilty of corruption, nepotism and abuse of power. Within the armed forces, especially among the rank and file, a widespread sense developed that the central Government had neglected its obligations, diverting significant resources from the counter-insurgency efforts in the north to enrich a few corrupt senior officers. The capacity of the military units deployed in the north thus became progressively weakened as a result of poor logistics, inoperable equipment and low morale.

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4. In mid-January 2012, a Tuareg movement known as the Mouvement national pour la libération de l'Azawad (MNLA), along with Islamic armed groups including Ansar Dine, Al-Qaida in the Islamic Maghreb (AQIM) and the Mouvement pour l'unicité et le jihad en Afrique de l'Ouest (MUJAO), in addition to deserters from the Malian armed forces, initiated a series of attacks against Government forces in the north of the country. The Tuareg rebellion was emboldened by the presence of well-equipped combatants returning from Libya in the wake of the fall of the regime there.

5. On 22 March, a mutiny by disaffected soldiers from the units defeated by the armed groups in the north resulted in a military coup d'état. A military junta, the Comité national pour le redressement de la démocratie et la restauration de l'Etat, led by Captain Amadou Sanogo, took power, suspended the Constitution and dissolved the Government institutions.

6. The coup accelerated the collapse of the State in the north, allowing MNLA to easily overrun Government forces in the regions of Kidal, Gao and Timbuktu and proclaim an independent State of Azawad on 6 April. Shortly thereafter, tensions pertaining to ideological and programmatic approaches emerged among the armed groups in the north and, by 18 November, Ansar Dine and MUJAO had driven MNLA out of the main towns of Gao, Timbuktu and Kidal. These groups now control two thirds of Malian territory.

7. Immediately after the coup, on 27 March, the Heads of State and Government of the Economic Community of West African States (ECOWAS) appointed the President of Burkina Faso, Blaise Compaoré, to mediate in the crisis. They also announced the activation of a 3,000-strong ECOWAS standby force to be used if the rebels refused to accept a peaceful solution to the conflict in the north. On 6 April, the military junta and ECOWAS signed a framework agreement that led to the resignation of the then President, Amadou Toumani Touré, on 8 April and the appointment of the Speaker of the National Assembly, Dioncounda Traoré, as interim President on 12 April. The agreement provided for the establishment of a transitional Government, headed by a prime minister with executive powers, who would be responsible for organizing the elections — initially scheduled for March 2012 — and for addressing the security and humanitarian crisis in the north. It also provided for an amnesty law to be adopted by the parliament for the members of the junta. It failed, however, to address such important issues as the timeline for the transition, the modalities for the organization of the elections and the role of the junta during the transition. On 17 April, Cheick Modibo Diarra was appointed interim Prime Minister.

8. Most of the presidential guard, known as the "red berets" and considered an elite force, did not support the coup. On 30 April, they launched a counter-coup, which failed, and some 20 of them were arrested. Their alleged disappearance, along with the status of approximately 30 other detainees, remains of concern. Investigations into these cases have been slow.

9. On 21 May, the interim President was attacked and severely beaten in his office by a group of demonstrators allegedly favourable to the coup. After two months of medical treatment in France, he returned to Bamako on 27 July, following a commitment by the junta to guarantee his physical protection. Upon his return, he announced his intention to establish a high council of State comprising a president and two vice-presidents, one in charge of national political dialogue and the other

responsible for security matters; a consultative national transition council; and a national negotiating commission. The last-mentioned was expected to engage in peace talks with those groups in the north that rejected violence and extremism. In a decree dated 8 August, he appointed Capt. Sanogo to chair a military committee to monitor the reform of defence and security forces and to oversee military operations. On 20 August, the Prime Minister announced the formation of a Government of national unity consisting of 32 members.

10. Various armed groups, including terrorist and affiliated entities, continue to control northern Mali. They reportedly have some 3,000 core combatants and are recruiting more, especially among children. They are well armed, with relatively sophisticated equipment obtained from Libya and weapons captured from the Malian armed forces. Drug traffickers and other criminal elements have also established themselves in these regions and are building relationships of cooperation with the terrorist groups. The towns of Douentza, Gao, Menaka, Ansongo and Gourma are currently under the control of MUJAO, which largely comprises foreign fighters. Timbuktu and Tessalit are both under the control of AQIM, while Kidal is controlled by Ansar Dine. AQIM has destroyed a number of holy, historic and cultural sites in Timbuktu, including some listed as World Heritage sites by the United Nations Educational, Scientific and Cultural Organization. AQIM has established Islamic police in Dire, Goundam and Douentza and MUJAO has done so in Gao. MUJAO is supported by combatants from the terrorist group Boko Haram, which is active in Nigeria. Ansar Dine is also reported to have ties to Boko Haram. These groups have created a context in which most cultural and recreational activities are prohibited, thus rejecting and combating the cultural identities and undermining the social fabric of the communities of the north. The groups reportedly support one another's efforts to retain control of the occupied regions, as demonstrated by the assistance provided by AQIM to MUJAO in repelling the recent attempts by MNLA to retake Gao.

11. Following the coup d'état, my Special Representative for West Africa, Said Djinnit, offered the support of the United Nations to the Malian authorities. As a result, in a letter dated 30 August, the President requested United Nations assistance to build the capacity of the Malian transitional authorities in the areas of political negotiation, security sector reform and humanitarian assistance. The Minister for Foreign Affairs of Mali addressed a similar letter to my Special Representative for West Africa on 19 September, in which he sought assistance in the areas of elections and governance.

12. In response to those requests, I deployed a preliminary assessment mission to Bamako from 1 to 5 October to engage with the transitional authorities and seek clarifications about the details of the assistance required. The team also held discussions with a broad cross section of Malian society, thus obtaining a more refined understanding of the situation on the ground. It formulated recommendations on United Nations assistance to strengthen Malian capacity in the political, military/security, governance and humanitarian and human rights fields, which are reflected later in the present report.

13. There is broad consensus that there is a need for a political process to generate a road map to end the transition and promote national reconciliation; external military assistance to liberate the occupied areas in the north; and elections to end

the transition and fully restore constitutional order. There are, however, disagreements on how to achieve those objectives.

14. The leaders of the transition are bound together in a fragile alliance of necessity, while representing different and, at times, competing constituencies and interests. They are also subject to intense pressure from a divided society. The lack of alignment in the positions of the country's key partners, namely the core countries, ECOWAS and the broader international community, is an additional complicating factor. Consequently, the space available to these leaders to formulate a common strategic vision for their country is severely constrained. The consolidation of the partnership among the Malian leaders constitutes the single most important contribution that the international community can make to the political process in the country.

15. The team found that the Malian military was highly politicized, bitterly divided and poorly trained and equipped, which threatens the stability of the country and may derail the transition. Nevertheless, some military and security units have maintained a core of professional officers and troops, in addition to a minimum level of functionality. Furthermore, the military hierarchy appears increasingly determined to reorganize itself to face the immediate threats posed by terrorist and other criminal groups in the north.

16. The team also learned that, in recent years, the Malian defence and security forces had been inadequately trained and poorly equipped and supported. They also lack efficient mechanisms of civilian control and oversight. Many of the team's interlocutors expressed the view that the country's ruling elite had interfered with the process of recruitment and the training and promotions systems, which had caused grave distortions in the chain of command, compromised military professionalism, damaged the esprit de corps and created resentment among officers and the rank and file.

B. Humanitarian situation

17. Since mid-January, when the rebel military offensive began, the humanitarian situation in the country has gradually deteriorated. The scope of the humanitarian crisis has increased for local populations who are unable to cope with both the chronic and generalized food and nutrition insecurity in the region and the massive inflow of displaced persons.

18. Civilian displacement as a direct consequence of fighting in the north has occurred on a large scale. According to the Office of the United Nations High Commissioner for Refugees, as at 1 November, a total of 412,000 persons had been forced to flee their homes. This figure includes some 208,000 refugees who are currently hosted in Algeria, Burkina Faso, Guinea, Mauritania, the Niger and Togo. An additional 204,000 individuals have been internally displaced and are currently living in extremely difficult circumstances, reliant on humanitarian assistance and the solidarity of relatives and friends who are providing hosting arrangements.

19. The health system in the north is also disrupted. While the cholera outbreak is under control with no new cases in more than a month, it must be monitored closely, given that any population movement in a context of limited access to water and sanitation services may increase the risk of cholera and other diseases. In addition,

population movements, often including livestock, place additional pressure on scarce natural resources, such as grazing land and water, and create an increased risk of conflict between refugees and local populations. While the food and nutrition security situation is slowly becoming less serious in the south of the country, where approximately 80 per cent of the needs are concentrated, critical humanitarian gaps remain underfunded in key sectors that need to be addressed to ensure the sustainability of humanitarian achievements. The collapse of the State in the north has triggered a severe contraction in the provision of basic social services.

20. International humanitarian organizations currently have restricted direct access to civilian populations in need of assistance, including internally displaced persons. United Nations agencies and non-governmental organizations continue to work through their national staff and in close cooperation with civil society organizations, community leaders and religious institutions to make critical interventions but, owing to the prevailing insecurity, their practical reach is confined mainly to the urban areas of Timbuktu, Gao and Kidal.

C. Human rights situation and protection of civilians

21. The human rights situation in Mali, especially in the north, has continued to deteriorate since January. Extremist Islamist groups have reportedly committed gross human rights abuses, including summary and extrajudicial executions, sexual and gender-based violence, recruitment and use of child soldiers, torture and looting of hospitals. It appears that there have been changes in the pattern, character and prevalence of the abuses since the beginning of the crisis. Serious abuses, including sexual violence, summary executions and pillaging, were reportedly committed by the armed groups during the military offensive. At the outset, when MNLA was in control of parts of the territory, there were reports of sporadic human rights abuses. Since the extremist Islamist groups of Ansar Dine, MUJAO and AQIM have taken control, other types of abuses are being witnessed, mostly relating to the implementation of an extremely strict interpretation of sharia law. Executions, floggings and stonings, among other cruel and inhuman punishments, have been reported. While the figures are not high, they are of concern inasmuch as they might be indicative of an evolving pattern. Freedom of speech and assembly and the rights of women and children are also being curtailed.

22. Regarding the situation in the south of the country, the status of some 30 detainees, in addition to the alleged disappearance of some 20 soldiers in connection with the counter-coup of 30 April, remains of concern. The investigations into these cases have been slow and it is crucial that thorough and prompt investigations be completed as soon as possible. This will be especially important in the context of the request by the authorities for the United Nations to assist the Malian security forces, given that the Organization's human rights due diligence policy makes United Nations assistance to non-United Nations security forces conditional upon their respect for human rights and humanitarian law. Reports have also been received that mines are being laid in a number of northern areas by some armed groups, an issue that will need to be addressed as part of the stabilization plan.

23. Tracking of conflict-related sexual and gender-based violence in the period from December 2011 to November 2012 highlights grave violations against women

and girls in northern Mali. The practice known as "requisition", reportedly used by rebels in Gao, involves the systematic gang rape of women and girls forcibly held overnight in rebel camps. As neighbourhoods are targeted in rotation and obliged to fulfil their requisition obligations, no sector of the community is left untouched. The cultural context of northern Mali means that women and girls who are raped will often be rejected by their families and communities, denying them the personal accompaniment and support networks that they so urgently need.

24. Cases of forced marriage have been reported in all areas under rebel occupation, including instances of young women forced into unions with members of the armed groups in circumstances where the marriage arrangement is simply a cover to legitimize the reality of abduction and rape, which in some cases could amount to sexual slavery.

25. Owing to the prevailing insecurity and access constraints, it has not been possible for the United Nations to verify reports and to determine the magnitude of violations or identify the perpetrators. Where direct access has been possible, the United Nations and its partners have lent support to the operation of 10 centres providing psychosocial and legal support to survivors of sexual and gender-based violence. There is, however, an urgent need to put in place basic services for such survivors, including medical and psychosocial support and socioeconomic assistance. The United Nations has continued to urge ECOWAS, the African Union and other partners to send strong messages to all the parties to the conflict to immediately cease rape and other forms of sexual violence and to stress that perpetrators will be held accountable for their crimes. In addition, efforts are being made to ensure that the prevention of sexual violence is adequately reflected in all discussions related to ceasefire and peace agreements.

26. Grave violations against children in northern Mali have been a salient characteristic of the crisis since it began. All armed groups in the north, including MNLA, Ansar Dine, MUJAO and AQIM, are reported to have targeted children, resulting in the recruitment of hundreds of minors into their ranks. Particularly alarming are reports of training camps in Gao run by armed groups, in addition to reports of cross-border recruitment of children in refugee camps in Burkina Faso, Mauritania and the Niger — a protection risk that the Office of the United Nations High Commissioner for Refugees and partners engaged in the refugee response in neighbouring countries are working to address. Allegations of the association of children with self-defence militia groups supported by the Government in the south of the country have also been received.

27. The Assistant Secretary-General for Human Rights travelled to Mali from 4 to 8 October to undertake a preliminary assessment of the human rights situation. His findings have been shared widely with a view to, among others, including measures to mitigate the human rights impact of the planning of the proposed military intervention in Mali. The Office of the United Nations High Commissioner for Human Rights also dispatched a mission to Mali, also visiting Burkina Faso, Mauritania and the Niger, from 12 to 21 November, in accordance with Human Rights Council resolution 21/25, by which the Council requested the High Commissioner to submit a written report at its twenty-second session, in March 2013, on the situation of human rights in Mali, in particular in the northern part of the country. In addition, the Office conducted a preliminary assessment of the impact of the crisis on neighbouring countries as part of the mission.

D. Development

28. The economic situation of Mali has been affected by the political and security crisis. Mali is expected to enter recession in 2012, with an economic growth rate of -3.1 per cent. Some emergency relief notwithstanding, economic activity and basic public services throughout the country have been severely disrupted. The sectors most affected include construction, agro-industry and the manufacturing industry, in addition to all branches of the service sector, including trade and financial services. Mali is facing a revenue shortfall. As a result of the crisis, the Government has written off as unrecoverable 400 billion CFA francs ($800 million) of the targeted revenue for 2012 of 1.34 trillion CFA francs. Spending plans have been slashed accordingly. The suspension of external financing by donors has caused a State budget shortfall of 391 billion CFA francs ($782 million) for 2012.

29. The crisis has also affected key socioeconomic indicators and the living conditions of the population. Preliminary estimates indicate that at least 663,000 people may have fallen into poverty. Urban populations are most affected because of job losses in construction, services and the informal sector and the arrival of large displaced populations to the cities. Whereas the Government was planning to create 30,000 jobs in 2012, 20,000 have been lost owing to the crisis.

30. Following the coup d'état and the suspension of development cooperation and aid by some development partners, the United Nations country team has been at the centre of efforts to coordinate and mobilize development partners to reengage with the transitional authorities and help them to maintain access to basic social services, limit the impact of the crisis on the lives of the most vulnerable and ensure social stability throughout the transition. To this end, it has developed a common framework for the provision of United Nations support to the transition, which focuses on the following three key areas of intervention: governance and peace consolidation; access to social services; and humanitarian response support. Support is being provided to key transitional and governance institutions to build their institutional capacity. Efforts are being made to ensure that the political process, in particular the national dialogue, is inclusive of the concerns of all key constituencies in Malian society. An integrated peace and development programme for the north will be developed. The United Nations country team will continue to work closely with the transitional authorities, development partners and civil society to build institutional capacity and promote activities aimed at increasing the resilience of Malians, especially those most vulnerable to social and economic shocks.

III. Implementation of Security Council resolution 2071 (2012)

A. Provision of support to the political process

31. Since the adoption of resolution 2071 (2012), the United Nations has stepped up its support to the efforts of the Malian authorities to enhance their internal cohesion, promote national reconciliation and strengthen State institutions so that they can gradually take ownership of the resolution of the crisis affecting their country. On 19 October, the Deputy Secretary-General, accompanied by my Special Envoy for the Sahel, Romano Prodi, and my Special Representative for West Africa, participated in the second meeting of the Support and Follow-up Group on the

Situation in Mali, held in Bamako on 19 October. Senior representatives of ECOWAS, the African Union, the European Union, the core countries, the International Organization of la Francophonie and major bilateral partners were also present.

32. The African Union strategic concept for the resolution of the crisis in Mali, which was adopted in Bamako and subsequently endorsed by the Peace and Security Council of the African Union on 24 October, has greatly contributed to framing the international response to the crisis by providing for greater coordination between Malian stakeholders and international actors. It also includes recommendations regarding governance challenges in Mali, the restoration of State authority in the north, the reform of the security sector and the preparations for elections.

33. Since the second meeting of the Support and Follow-up Group, my Special Representative for West Africa has intensified his shuttle diplomacy with the Malian transitional authorities, other national stakeholders, regional leaders and the ECOWAS Commission. Given the consensus that a strong political pillar is essential to addressing the challenges that confront Mali, the central objective of these contacts is to promote a political process consistent with both resolution 2071 (2012) and the African Union strategic concept. These discussions have focused primarily on forging convergence among the key leaders, including on the need for a return to constitutional order through elections and establishing the foundations for negotiations aimed at addressing the legitimate concerns of the Tuaregs and other communities in northern Mali.

34. The discussions held by my Special Representative for West Africa have revealed a mixed picture. On the one hand, Malians generally agree that there is a need for a political process consisting of a national dialogue, negotiations with groups and communities in the north that present legitimate grievances and preparations for elections. On the other hand, profound differences remain as to whether the national dialogue should be a constitutive forum, with powers to alter the Constitution, or a more modest consultative exercise, where participants simply exchange views and make recommendations that may or may not be followed by the executive authorities. Influential opposition groups consider that, to date, the preparations for the national dialogue have not been sufficiently inclusive and transparent. Consequently, they are threatening to boycott the entire political process until their concerns are addressed. Clearly, these internal divisions constitute the single most important obstacle to progress in the political process and must be addressed urgently and effectively. In this regard, the transitional authorities have indicated to my Special Representative that they welcome direct United Nations involvement in support of the political process.

1. National dialogue and development of a transitional road map

35. In October, the Prime Minister established a 50-member organizing committee for the preparation of the national dialogue, which will decide on the road map for the transition and the electoral process. The committee submitted to the interim President three options papers on the timeline for the transition, the elections and transitional institutions. These proposals were not, however, unanimously welcomed by the members of the Malian political class, some of whom disagree with the composition of the organizing committee and the Government's plans for the national dialogue process.

36. During his recent visits to Mali, my Special Representative for West Africa met the interim President, the Prime Minister, Capt. Sanogo, the Minister for Foreign Affairs, the Minister of Defence, the Minister of Territorial Administration, the Bureau of the National Assembly, the Ombudsman, key political blocs and civil society. During those exchanges, he emphasized that Malians bore the primary responsibility for addressing and resolving the crisis in their country, while stressing that there was a need for unity of purpose among the country's regional and international partners. In particular, he encouraged all Malian actors to enhance national cohesion, create the conditions for inclusive dialogue and present a coherent road map for the transition with clear timelines for elections.

2. Negotiations with groups occupying the north of the country

37. The ECOWAS mediator for Mali, in collaboration with the core countries, is actively pursuing a negotiated solution to the conflict in the north. On 6 November, at a meeting in Ouagadougou in the presence of the Minister for Foreign Affairs of Mali, a delegation from Ansar Dine confirmed its willingness to engage immediately in negotiations with the transitional authorities. The group committed itself to a cessation of hostilities, enabling the free circulation of people and goods and facilitating humanitarian access in the areas under its control. It also affirmed its rejection of all forms of violence, extremism and terrorism, pledging to fight cross-border organized crime. The ECOWAS mediator is also encouraging MNLA and Ansar Dine to adopt a common platform to negotiate with the transitional authorities.

38. On 13 November, while in Ouagadougou for consultations with the ECOWAS mediator, my Special Representative for West Africa met the Secretary-General of MNLA, Bilal Ag Acherif, who stressed that dialogue was the only solution to the crisis in Mali and that the declaration of independence of Azawad issued by MNLA on 6 April was intended to draw the international community's attention to the fate of the population in the north. He also stressed that the United Nations could play a key role in the search for a solution to the crisis with the ECOWAS mediator.

39. My Special Representative for West Africa also met a delegation from Ansar Dine led by Algabass Ag Intalla, a prominent member of its leadership, who indicated that, since 1963, the population in northern Mali had been marginalized by the central Administration and that the National Pact for the Re-establishment of Peace, Brotherhood and National Unity in Northern Mali of 1992 and the Algiers Accord of 2006 had failed to address their grievances. He explained that the aim of the statement issued by Ansar Dine in which it had distanced itself from AQIM was to prevent a situation in which war would be the sole option. He stated that, although previous agreements had not been fully implemented, the group remained committed to a negotiated solution without preconditions. He praised the role of Algeria and Burkina Faso in fostering dialogue and warned that the military option would attract jihadists to northern Mali.

40. On 14 November, my Special Representative for West Africa met in Abidjan the President of the Authority of Heads of State and Government of ECOWAS and President of Côte d'Ivoire, Alassane Ouattara, who expressed his full support for the efforts by the ECOWAS mediator to create the conditions for a swift launch of the negotiations process between the Malian authorities and the armed and rebel groups in the north, on the basis of the key parameters reiterated in the final communiqué

issued by the Authority at an extraordinary session held in Abuja on 11 November. Mr. Ouattara also insisted on the fact that, consistent with the provisions of resolution 2071 (2012) and the African Union strategic concept, the international community had to concomitantly assist ECOWAS in pursuing the two-track approach of negotiations with those groups open to dialogue and military preparations that would ultimately serve the purpose of neutralizing the terrorist groups and organized criminal networks in northern Mali. He was continuing to impress upon the Malian leadership the need to rapidly set in motion the mechanisms envisaged for holding the negotiations.

41. My Special Representative for West Africa has also impressed upon all Malian stakeholders the importance of seeking a negotiated settlement to the situation in northern Mali and, in this regard, the urgency of setting up the negotiations committee announced by the interim President in July. The transitional authorities and most Malians have expressed support for a negotiated solution to the crisis. In this regard, the authorities have defined the following clear parameters for their engagement in negotiations: respect for the territorial integrity and unity of Mali; respect for the secular nature of the Constitution of 1992; and the need for the groups concerned to distance themselves from terrorist and organized crime networks, in particular AQIM. The interim President has confirmed that efforts are under way to engage with those groups. The envisaged negotiations committee would, once established, complement such efforts. The Prime Minister has called for direct negotiations between the transitional authorities and groups in the north and has asked that the ECOWAS mediator gradually transfer ownership to Malians. Both the interim President and the Prime Minister have requested United Nations assistance in building the capacity of the envisaged negotiations committee. To this end, a United Nations mediation expert has been deployed to assist in building the capacity of Malian actors to conduct effective negotiations.

3. Elections

42. The coup d'état prevented the presidential election from being held on 29 April as originally scheduled. Before the coup, the United Nations had been providing technical electoral support in several areas, including reinforcing the capacity of electoral management bodies, training polling agents, raising voter awareness and undertaking voter registration.

43. The occupation of the north has left Mali with three options: to prioritize urgent elections in order to rapidly establish a democratically elected Government and parliament, regardless of the limited access in the north; to wait until there is a sufficient State presence in the north to allow for the holding of elections in certain localities; or to await the full restoration of State authority throughout the country before holding elections. Under the first option, there is a high risk that the population in the areas controlled by rebel and armed groups will be excluded from the electoral process, which would also send the message that the south accepts the status quo in the north. This option is rejected by the transitional authorities, most political parties and civil society groups. The second option assumes that either the negotiation process, or an international military intervention, or the combination of both, will lead to the re-establishment of at least a partial presence of the State, thus enhancing the participation of northern communities in the elections and the legitimacy of the vote. Option three holds out the prospect of a lengthy transition until the territorial integrity of Mali is fully restored. These options, in addition to

the more technical aspects of the elections, are expected to be discussed as part of the national dialogue.

44. The focus of the United Nations has shifted towards helping the Malian authorities to create conditions for the conduct of transparent and credible elections during the transition period. To this end, three immediate steps have been identified: reform of the electoral laws, revision of the voter registers and holding of presidential and legislative elections. A number of challenges remain, however, including a decision on the timing of elections and the adoption of a realistic and consensual timeline by Malian stakeholders, the adoption of a budget and the establishment of an independent national electoral commission.

45. Looking forward, it is expected that the security situation, the need to replace electoral equipment and infrastructure in the north and the introduction of new voter registration technologies will increase the cost of the elections. A United Nations electoral needs assessment mission is currently in Bamako to help the Malian authorities formulate a detailed and realistic electoral timetable, taking into account the options referred to above, to recommend ways of addressing the challenges facing the electoral process and to recalibrate technical and financial support being provided by the United Nations to the electoral process.

B. Support to the security process

46. In June, the ECOWAS Commission initiated an evaluation of the feasibility of deploying a stabilization force to help the Malian authorities to re-establish the territorial integrity of the country. An initial planning conference was held in Abidjan from 11 to 15 June, for which the United Nations and international partners provided advisory and planning support. That conference resulted in the development of an approach to address the security crisis in Mali. On 14 June, ECOWAS and the African Union requested a Security Council resolution that would authorize the deployment of an ECOWAS stabilization force to support the political process in Mali, assist in upholding its territorial integrity and combat terrorism in the country. Following the adoption of Security Council resolution 2056 (2012) of 5 July 2012, the United Nations continued to support ECOWAS, the African Union and countries in the region in developing the objectives, means and modalities of the envisaged deployment and other possible measures.

47. A technical assessment mission to develop plans for a possible international stabilization force was conducted from 8 to 17 July in Bamako, under the leadership of the Special Representative for Mali of the President of the ECOWAS Commission, Aboudou Touré Cheaka. The mission included members of the ECOWAS Standby Force and the African Union. A multidisciplinary United Nations team participated in an advisory capacity.

48. On 2 August, the President of the ECOWAS Commission, in a letter addressed to me, presented the ECOWAS concept for the resolution of the crisis in Mali. ECOWAS organized a further planning conference, held in Bamako from 9 to 13 August, in which the Malian authorities, the African Union, the United Nations, the European Union and other international partners participated, and during which the concept of operations for the ECOWAS force was further developed in consultation with the Malian defence and security forces.

49. On 1 September, the transitional authorities sent a letter to ECOWAS, in which they requested military assistance to reorganize the armed forces and restore the country's territorial integrity. On 23 September, the transitional authorities sent another letter to ECOWAS on the conditions for the deployment of ECOWAS troops in Mali. The transitional authorities, in a letter dated 18 September, and ECOWAS, in a letter dated 28 September, both requested a Security Council resolution that would authorize the deployment of an international military force to assist the Malian armed forces, acting under Chapter VII of the Charter of the United Nations, in order to recover the occupied regions of the north of the country.

50. Since the adoption of resolution 2071 (2012), the United Nations has further assisted ECOWAS and the African Union in the joint planning effort to determine the means and modalities of deploying such an international military force. On 20 October, I dispatched a multidisciplinary United Nations team to Abuja to consult the ECOWAS Commission, take stock of planning efforts and prepare for a joint planning conference. The strategic concept for the resolution of the crisis provided a framework for the planning conference, which was held in Bamako from 29 October to 5 November at the initiative of the African Union and ECOWAS, in close consultation with the Malian authorities, with participants from Algeria, Canada, France, Germany, Mauritania, the Niger, the United States of America, the United Nations and the European Union. A harmonized joint concept of operations was developed, aligning at the strategic level the separate operational plans of the Malian defence and security forces and the proposed international military force.

51. The harmonized joint concept of operations was subsequently endorsed by the chiefs of defence staff of ECOWAS on 6 November, by its Mediation and Security Council on 9 November, by its Heads of State and Government on 11 November and by the Peace and Security Council of the African Union on 13 November. In a letter dated 13 November, the African Union Commission conveyed to me the harmonized joint concept of operations and the communiqué issued by the Peace and Security Council at its meeting on the same day. In that communiqué, the Peace and Security Council urged the Security Council to give its full support to the strategic concept and the harmonized concept of operations, and to authorize, for an initial period of one year, the planned deployment of an African-led international support mission for Mali, under Chapter VII of the Charter. The Peace and Security Council also urged the Security Council to authorize the establishment of a support package funded by United Nations assessed contributions, in order to facilitate the speedy deployment and operations of the mission.

52. Under the harmonized joint concept of operations, the African Union, in consultation with ECOWAS, would appoint a special representative to head the mission. A special representative of the African Union would also provide political and strategic oversight of the military and police personnel comprising the international force. The office of the special representative would include civilian expertise and liaison capacity in such areas as political affairs, humanitarian affairs, human rights, security sector reform, justice and corrections and disarmament, demobilization and reintegration.

1. Strategic operational framework

53. The harmonized joint concept of operations, endorsed by the African Union and ECOWAS, is referred to as the "strategic operational framework" in recognition

of its aim to frame, at the strategic level, the separate but interdependent operational plans of an international force and of the Malian defence and security forces. Its strategic end state would be the creation of the conditions necessary for a stable, democratic State that exercises authority over its national territory, assumes its responsibilities with regard to the protection of the population, property and livelihoods and addresses regional security challenges, in particular international terrorism and transnational criminal activities.

54. The strategic operational framework defines the modalities of an African-led international force to support the Malian defence and security forces in developing the necessary capabilities, recovering the occupied regions in northern Mali and reducing the threat posed by terrorist and affiliated groups. Militarily, the end state would be the restored territorial integrity of Mali, with reduced threats from terrorist and affiliated groups and transnational criminal activities; a sufficiently secure environment maintained by operationally capable Malian defence and security forces for the consolidation of State authority, the maintenance of territorial integrity and the protection of the population; and established conditions for the restoration of basic services, social amenities and the return of the population. To achieve those objectives, it is proposed that the international force deploy to Mali for an initial period of one year.

55. The operation would take place within the territorial boundaries of Mali and, as operationally required, along the border areas and within defined areas of neighbouring countries, subject to their agreement and within appropriate legal frameworks. As areas are recovered, the Malian authorities would progressively re-establish State authority and maintain law and order and public safety. Once territorial integrity has been restored, the Malian defence and security forces would support stabilization activities led by the authorities to restore and maintain security in the post-conflict environment. At that juncture, the international force would have achieved its purpose and that phase of the mandate would end. Other operations, to be coordinated with regional and international partners, would continue to address the residual terrorist and criminal threats in the Sahel region.

Mandated tasks of the African-led international operation

56. The international force would support the Malian defence and security forces in three overlapping phases: building the capacity of the defence and security forces; recovering the occupied regions in the north and reducing the threat of terrorist and affiliated extremist groups and transnational crime; and making a transition to stabilization activities by the authorities to maintain security and consolidate State authority through appropriate capacities.

57. To that end, the international operation would assist in equipping, training and providing logistical support to the Malian defence and security forces. Most of that support is expected to come from international partners and would provide offensive and enabling support to the defence and security forces to recover the occupied regions in northern Mali. Furthermore, the actions of the international force would contribute to establishing a secure environment for the restoration of State authority, including through the redeployment of rule-of-law and security institutions and the restoration of law and order and public security and safety in the north as areas are recovered. The international force would also help the authorities to create a secure environment for the delivery of humanitarian assistance and the voluntary return of

internally displaced persons and refugees. Lastly, the force would support the authorities in their primary responsibility to protect the population with regard to international human rights and international humanitarian and refugee law. In addition, the police elements of the international force would secure force staff, premises and equipment; ensure the security and freedom of movement of force personnel; reinforce the centre for the coordination of operations to secure the transitional institutions; and strengthen the operational capacities of the national security agencies, including with regard to crowd control, through specialized training, in coordination with international partners.

Composition and generation of the African-led operation

58. The international operation would comprise 3,300 personnel, including infantry battalions and appropriate enabling capacity, such as engineers, fire support, air assets and logistics, and a police element, including formed police units.

59. The military and police would be generated from the ECOWAS Standby Force and from contributions from other countries, with the focus on generating battalions for better interoperability and cohesion, and with the appropriate capabilities for the desert environment and the threat in northern Mali. ECOWAS has received pledges for military and police personnel from several of its member States and has undertaken some field assessments. The pledges need to be reconfirmed and assessments of their capacities undertaken, including against the final force requirements, in order to identify the critical capacity gaps. Pledges are still required, including for air support assets and personnel (combat and utility aircraft and logistic air transport), engineers, additional fire support capabilities, intelligence, counter-improvised explosive device equipment and training. Some basic and specialized training and equipment will also be needed, based on the individual readiness of the military components. The African Union, in close consultation with ECOWAS, may be best placed to undertake the task of generating the required forces and capabilities, based on the principles of the African Standby Force. The capacity to generate the requisite military and police personnel and capabilities will be vital to ensuring the successful execution of the operation.

Composition and capabilities of the defence and security forces

60. The Malian defence and security forces would provide 5,000 personnel for the military operation to recover the occupied regions in the north, while the remaining forces would continue to provide security in the south. Additional forces required for the operations would be generated through recruitment and training, and through the use of the National Guard, as appropriate.

61. The availability of equipment is a challenge, since a significant amount was lost as a result of the withdrawal of the Malian armed forces from the northern regions early in 2012, and taking into account the low serviceability rates of equipment. While an audit will be undertaken by a bilateral partner, the Malian armed forces are facing critical capacity gaps, including in logistics (capability and associated equipment and vehicles), air support (armed, utility and transport), major combat vehicles (in particular armoured personnel carriers), weapons and communications equipment. A preliminary audit of the security institutions (national police, the national gendarmerie, the National Guard and civil protection) indicates

that they also have equipment and logistical shortages, including transportation and crowd-control equipment.

62. There is also a requirement to support the longer-term process of transforming the security sector architecture. This needs to be balanced with immediate efforts to bolster its operational capacities to restore territorial integrity, as described above. The framework agreement of 6 April recognized supporting the security sector as a key priority and the authorities have established a military committee to monitor the reform of defence and security forces, as provided for therein.

Command, control and coordination mechanisms

63. The operation to achieve the objectives outlined above would be conducted by two forces, the international force and the Malian defence and security forces. The authorities would have primary responsibility for restoring territorial integrity, while the international force would support them. The Malian forces would lead these operations, with the international force providing offensive and enabling support. Military operational command would be through separate commanders for the Malian defence and security forces and the international force, who would report to the Malian Joint Chief of Staff and an African Union-appointed special representative, respectively. A joint planning and coordination centre would be established to support both commanders, in order to coordinate the operation and enhance interoperability.

64. A joint coordination mechanism would also be established comprising the ministers of defence of Mali, the contributing countries, the core countries, Algeria, Mauritania and the Niger, in addition to other interested parties, to provide support and assist the special representative. The chiefs of defence staff of the member countries would form a subordinate technical advisory working group. The United Nations and other international partners would also participate in the joint coordination mechanism, as appropriate. Stakeholders providing support to the Mission would, in consultation with the special representative, coordinate their activities and facilitate the implementation of their support through a partners' coordination forum. Partners may also directly contribute, as appropriate, at the political and tactical levels.

2. Logistical support requirements

65. The international force and the Malian defence and security forces would require logistical support for the operation. This is in addition to the capability and other requirements for the operational readiness of the two forces. Logistical and other support would be required down to an appropriate level in the field for all operational phases through a supply chain that would be established, and that would depend on the provision of the requisite transport. A main logistics base for holding and maintaining strategic reserve stocks and providing central services would be established, as well as additional bases, as required, which would include medical, maintenance, supply, communications and information technology services, fuelling points and engineering services. Units of the international force would initially need to be self-sufficient on deployment for a period of at least 90 days, after which support would be required through external arrangements. This would require pre-positioning of mobile stocks and the establishment of key logistic capacities such as fuel, food and water, ahead of troop deployments. The strategic operational

framework identifies 10 days of self-sufficiency. The resulting gap would therefore need to be addressed through external support.

3. Analysis of the strategic operational framework and proposed operation

66. The strategic operational framework is the result of negotiations between key interested stakeholders, principally the Malian authorities, the African Union and ECOWAS, with support from key partners, including the United Nations. The framework, which was endorsed by the African Union on 13 November, could provide a useful basis for consideration of the call by the African Union for a Security Council resolution authorizing the proposed African-led international support mission for Mali, although the planning for the operation remains a work in progress. It could also provide a basis for the development of more detailed harmonized operational plans by the international force and the Malian defence and security forces. Joint planning needs to continue to fully develop the details of their operations, however. Such planning would need to take into account further political developments and corresponding developments on the ground, and to ensure that a secure environment is created for civilians and the delivery of humanitarian assistance. Planning will also need to be synchronized with regional and international plans in such areas as counter-terrorism, border control and countering criminal networks.

67. Effective command, control and coordination mechanisms will be essential, as will legitimate State and international oversight mechanisms. The continuing planning effort recommended above will need to ensure that such command, control and coordination mechanisms are further elaborated. A clear division of roles and responsibilities at the tactical level between the international force and the Malian armed and security forces will also emanate from the joint planning efforts that are under way.

68. The strategic operational framework allows for the unintended consequences that a military operation might have on the fragile humanitarian and human rights situation in northern Mali and, as a result, on the chances for sustainable peace. The overarching obligation of the authorities to ensure the protection and security of all citizens, on an inclusive and non-discriminatory basis, should inform the further planning and discharge of the mandated tasks of both forces. The continuing planning process should ensure that such recognition is made operational in the detailed plans, including with regard to the possible increased displacement of persons, with direct consequences for humanitarian operations in neighbouring countries, and the potential to trigger targeted retaliatory attacks. Appropriate training in international humanitarian and human rights law, civil-military coordination, the rights of the child, humanitarian demining and protection against sexual exploitation and abuse, should form part of the preparations in that regard. Internal, human rights and humanitarian law advisory and oversight capacity should be deployed as part of the mission, in order to ensure that measures are put in place for its strict compliance with international law and accountability.

69. The effective implementation of the strategic operational framework is based on the assumption that the international force and the Malian defence and security forces have, and are supported by, the required capabilities, including the ability to operate in a desert environment and effectively meet the identified threat in northern Mali. Those capabilities still need to be generated. The provision of significant and

timely external support for training, equipment, logistics and funding to both the international operation and the Malian defence and security forces will be of critical importance in the light both of the capabilities required and the threat posed by terrorist and affiliated groups and transnational organized criminal activities. External support will be required for counter-terrorism activities, coordinated border control and sustainable regional counter-terrorism and counter-transnational criminal strategies and operations.

70. A determination of the specific training, equipment and logistics requirements necessitates an urgent assessment of the respective military and police capabilities. Coordination and a clear division of roles and responsibilities for such an assessment and the subsequent filling of any gaps between the Malian authorities, ECOWAS, the African Union, the United Nations, the European Union and other international partners will be vital in that regard. A donors' conference could be convened at which respective roles and responsibilities could be further defined and pledges garnered for funding or in-kind contributions. The Peace and Security Council of the African Union, in its communiqué of 13 November, also urged the Security Council to establish a trust fund to that end.

71. On 19 November, the Foreign Affairs Council of the European Union considered a crisis management concept under which military training and advice would be provided to the Malian armed forces. The concept is expected to be considered for approval by the Council on 10 December. Furthermore, the Council underlined the importance of adequate financial support for the operation in Mali by the regional States and organizations and other international partners, recalled its willingness to provide support and requested the European Commission to prepare to mobilize funds from the African Peace Facility.

72. Any effort to extend State authority throughout the country, enable humanitarian action, protect civilians, support vulnerable groups and promote national dialogue and governance would also require targeted international assistance in several critical areas. The international force and the Malian defence and security forces will face a significant risk from improvised explosive devices and landmines, which would also affect the safe delivery of humanitarian aid and the return of internally displaced persons and refugees. Training, advisory support and basic equipment will be required for both forces to conduct mine clearance, explosive ordnance disposal and counter-improvised explosive device activities, in addition to weapons and ammunition recovery in the areas recovered from terrorist and affiliated groups. The provision of coordinated external support to mine action and the establishment of national capacity in this sector will be essential.

73. Stabilization will require the strengthening of the national police command and control system and the rebuilding of Government law enforcement structures in the north, including the training and equipping of the gendarmerie and regional police units, border management mechanisms and regional cooperation. Assistance to restore the justice sector, including local prisons and courts in the north, and to promote access to justice in the recovered areas, will be required simultaneously, together with support to transitional justice initiatives. The consolidation of peace will require a fully fledged assistance programme for the return and sustainable integration of internally displaced persons and refugees. Lastly, an initial programme will be required to address the issue of the disarmament and

reintegration of former combatants, including children, incorporating assistance for vulnerable populations associated with former combatants.

74. In the longer term, Mali would benefit from enhancing its security sector governance, oversight and accountability, including early warning structures in the north, and the strengthening of its civil society, especially women's and youth groups. Furthermore, in the light of the deteriorating human rights situation, including risks associated with a military offensive in the north, a strong United Nations human rights component should be envisaged as part of a multidimensional United Nations presence to monitor, report publicly and respond to violations of international humanitarian and human rights law by all parties, including by the eventual military operation. The human rights component should contribute to national and international reconciliation, accountability and humanitarian efforts, participate in United Nations efforts to reform the justice and security sector and support the provision of human rights training. To strengthen the independence and effectiveness of such a United Nations human rights component, the same should be deployed separately by any stabilization force. It would also be important to begin planning for the actions needed to accompany or follow any military operation in the north with regard to the extension of State authority, including rule-of-law and security institutions, mine action, regional cooperation, security sector reform, human rights, institutional development, preliminary demobilization, the disarmament and reintegration of former combatants and the protection of returning refugees and internally displaced persons.

IV. Observations and recommendations

75. I am gravely concerned by the deepening crisis in Mali, which poses a clear threat to international peace and security. Northern Mali is at risk of becoming a permanent haven for terrorists and organized criminal networks where people are subjected to an extremely strict interpretation of sharia law and human rights are systematically abused. Urgent action is required to help the Government and people of Mali to reunify their country, bring about a swift return to constitutional order and deprive Al-Qaida and its affiliates of a platform that enables them to threaten the State, neighbouring countries and the international community as a whole.

76. The complex crisis requires a multifaceted and integrated response in which the political, security, humanitarian and human rights dimensions are well coordinated and mutually reinforcing. The challenges facing Mali also need to be seen in the broader context of a deeply stressed Sahel region. Some of the underlying causes of the current crisis are indigenous to Mali. Others, however, including adverse climate and ecological changes, disaffected local populations, transnational terrorism and organized crime, affect the entire region. The problems of Mali cannot be solved in a lasting manner without maintaining a sharp focus on the Sahel. This is why I decided to appoint Romano Prodi as my Special Envoy for the Sahel with the primary task of developing a United Nations integrated strategy for the region, which I intend to present to the Security Council early in 2013.

77. A military operation may be required as a last resort to deal with the most hard-line extremist and criminal elements in the north. Before that stage is reached, however, the focus must be on initiating a broad-based and inclusive political dialogue aimed at forging national consensus around a road map for the transition

and at addressing the long-standing grievances of the Tuaregs and other communities in the north.

78. The responsibility for political reconciliation rests, first and foremost, with Malians themselves. Malian leaders must unite around the goals of full restoration of constitutional legitimacy and of territorial integrity. It is especially important that they acknowledge long-standing grievances.

79. The recent threat of military intervention, in addition to some other developments, appears to have rendered some groups in the north more amenable to dialogue. The authorities must take advantage of this window of opportunity to put in place a credible framework for negotiations with those who are willing to distance themselves from terrorism. I call upon the authorities to address seriously the legitimate concerns of Malian citizens in the north, with a view to fostering their full participation in the national institutions of governance and the decision-making process. In this regard, I welcome recent statements by the Government that dialogue with MNLA and Ansar Dine is inevitable.

80. I am encouraged that there appears to be broad agreement among key Malian stakeholders that the political process must focus on four core objectives: broad-based and inclusive political dialogue aimed at formulating a road map for the transition; negotiations with armed groups in the north that renounce terrorism; preparations for the holding of elections; and promoting national reconciliation. Nevertheless, divisions persist among Malians on how to achieve these objectives. While the transitional authorities and other stakeholders agree in general terms with these priorities, they differ on the details of implementation. Influential opposition groups consider that, to date, the preparations for the national dialogue have not been sufficiently inclusive or transparent and are threatening a boycott of the entire political process until their concerns are addressed. I am particularly concerned that the launch of the national dialogue has been postponed owing to a lack of consensus among key political actors in Bamako on its format and composition. It is imperative that this important forum begin its work without further delay.

81. The internal divisions constitute the single greatest obstacle to progress on the political track and must be addressed urgently. The Malian authorities must coalesce around a common vision for the future of the country that enjoys the support of various constituencies. This includes creating the conditions and formulating a detailed and realistic timeline for the holding of elections, which are an important component of national reconciliation. While preparations must begin now, so as to create a sense of momentum, the timing will depend on knowing when those in the north can participate fully. Elections that disenfranchise portions of the population could reinforce, rather than bridge, divisions.

82. The authorities have indicated that they welcome direct United Nations involvement in support of the political process. My Special Envoy for the Sahel has included Mali as part of his efforts to develop a United Nations integrated strategy for the region. My Special Representative for West Africa has been working closely with the authorities in Bamako, other national stakeholders, regional leaders and ECOWAS to push forward the political process. I have also dispatched an electoral needs assessment mission to Bamako to help the authorities to tackle the challenges facing the electoral process.

83. I believe that, beyond these efforts, a full-time United Nations political presence, including expertise in human rights and other key areas, is urgently needed in Bamako to monitor and report on the situation and provide day-to-day support and advice to the authorities and other key national stakeholders. I intend to strengthen the United Nations presence in Bamako in the coming days through the deployment of a senior United Nations official who will be responsible for interacting on a daily basis with key stakeholders, under the direction of my Under-Secretary-General for Political Affairs, and will also report to my Special Representative for West Africa and to my Special Envoy for the Sahel.

84. While it is my fervent hope that the country can be reunified through negotiations, it is likely that there will ultimately be some terrorists and criminals with whom no dialogue is possible. Inaction by the international community may prolong the suffering of those in the north who are living under the brutal yoke of the extremists and are seeing their cultural heritage being destroyed. Every passing day brings with it the risk of a further entrenchment of terrorist groups and criminal networks. Nevertheless, I am profoundly aware that, if a military intervention in the north is not well conceived and executed, it could worsen an already extremely fragile humanitarian situation and also result in severe human rights abuses. It could also risk ruining any chance of a negotiated political solution to the crisis, which remains the best hope for achieving long-term stability in Mali.

85. On 13 November, the African Union endorsed the ECOWAS/African Union strategic operational framework for the African-led international support mission for Mali, which was previously endorsed by the ECOWAS chiefs of defence staff on 6 November, by its Mediation and Security Council on 9 November and by its Heads of State and Government on 11 November. I welcome the efforts that have gone into this important document, while recognizing that further planning and preparations are under way. As these areas are addressed, it could provide a useful basis for consideration of the call by the Peace and Security Council for the Security Council, acting under Chapter VII of the Charter, to authorize States members of the African Union to establish an African-led international support mission for Mali for an initial period of one year, comprising 3,300 personnel, to take all measures necessary, as appropriate, to assist the Malian authorities to recover the occupied regions in the north of Mali in order to restore the country's unity and territorial integrity and reduce the threats posed by terrorist and affiliated groups and transnational organized crime.

86. Fundamental questions on how the force would be led, sustained, trained, equipped and financed remain unanswered. Plans for both the international force and the Malian security and defence forces need to be developed further. They should include details on a harmonized operation with a clear division of functions, effective command and control and legitimate civilian authority oversight of the defence and security forces. This planning should also be synchronized with regional and international plans for counter-terrorism and border control and to counter criminal networks. Measures to mitigate the possible impact of a military operation on the extremely fragile humanitarian and human rights situation in northern Mali and the subregion must be incorporated into every stage and facet of the planning process.

87. The effective implementation of the strategic operational framework will require significant and timely external support for training, equipment, logistics and

funding for both the international force and the Malian defence and security forces. There is an urgent need to assess and fill capability gaps in the Malian military and police. In this regard, coordination and a clear division of roles and responsibilities between the Malian authorities, ECOWAS and the African Union, in addition to the United Nations, the European Union and other international partners, will be vital. The United Nations could facilitate, in support of the African Union and other key stakeholders, contributions by bilateral and other stakeholders, on the basis of a determination of requirements, possibly through a donors' conference.

88. In this regard, I commend the decision of the Foreign Affairs Council of the European Union on 19 November to welcome the presentation of a crisis management concept for a military training mission in Mali, which is expected to be considered for approval on 10 December. I also welcome its request to the European Commission to mobilize funds from the African Peace Facility for the operation in Mali. The contributions of other partners will be similarly critical, including for the continuing planning and preparation efforts.

89. Should the Council authorize the support mission, it is essential that the Council play an active role in ensuring that African-led and Malian forces engaged in any military offensives in the north are held fully accountable for their actions. I would therefore strongly recommend that in any relevant resolution the Council request the African Union to report to it on a regular basis on the activities of the support mission. As part of this accountability process, it may be advisable for the Council to request the African Union and the Malian authorities to meet specific benchmarks for the commencement of offensive operations, including the demonstrated operational readiness of the Malian forces and the support mission; positive developments in the political process on the part of, primarily, the leadership in Bamako; and the effective training of military and police personnel of both the support mission and the Malian forces in their obligations under international human rights, humanitarian and refugee law.

90. Both the support mission and the Malian defence and security forces would be required to act in compliance with applicable international humanitarian and human rights law in the performance of any mandate authorized by the Council and in full respect of the sovereignty and territorial integrity of Mali and neighbouring countries. The deployment of a sufficient number of United Nations human rights observers should be mandated to monitor strict adherence to international humanitarian and human rights law, to advise on ways to mitigate any adverse impact on the civilian population and to report publicly in this regard.

91. The request by the African Union to the Security Council to authorize a United Nations support package for an offensive military operation raises serious questions. The impact on the image of the United Nations and its ability to play a meaningful role in supporting short-term humanitarian and emergency assistance efforts and longer-term stabilization efforts in Mali, in addition to the implications for the safety and security of United Nations personnel in the region, must be weighed carefully. Furthermore, the Organization has limited ability to deliver a support package in the near term to a combat force. The tools available to it, such as commercial procurement, involve strict procedures to ensure accountability for the use of funds. These could place significant restrictions on its ability to support offensive military operations in the north.

92. As the international response to the crisis in Mali takes shape, there are a number of areas in which the United Nations could play a role, taking into account lessons learned from prior experience. The Organization is not best placed to directly tackle the security threat posed by terrorists and affiliated groups. AQIM and its affiliates, armed with sophisticated weaponry and training, can be expected to forcibly oppose any deployment of Malian and/or international forces. Targeted military operations may be required to dislodge them from northern Mali, in which case Member States may decide to directly support the military activity needed to combat such groups.

93. Irrespective of who undertakes such an activity, funding for the initial combat-related military operations could be through voluntary or bilateral contributions. Once the objectives of the initial military operation have been achieved, the Council could consider the option of providing a United Nations logistics package to assist an international force during stabilization operations.

94. In the meantime, the United Nations could continue to support the support mission and the Malian authorities with planning and preparations for an intervention in the north, as well as in critical areas that will be required to accompany or follow any operation with regard to the extension of State authority. This would include rule of law and security institutions, mine action, promotion of national dialogue, regional cooperation, security sector reform, human rights and the initial demobilization, disarmament and reintegration of former combatants.

95. Any support provided by the United Nations to the support mission or the Malian armed forces would have to be in strict compliance with the United Nations human rights due diligence policy, which is intended to contribute to the protection of civilians while enhancing the effectiveness of non-United Nations security forces that receive United Nations support. Under the policy, United Nations support cannot be provided where there are substantial grounds for believing that there is a real risk of the receiving entities committing grave violations of international humanitarian, human rights and refugee law and where the relevant authorities fail to take the necessary corrective or mitigating measures. The United Nations would have to carry out such a risk assessment and identify relevant mitigating measures as soon as possible and, in any case, before support is provided. Such support would also need to comply with United Nations defence sector reform policy, which highlights parameters for the provision of United Nations direct or indirect assistance to defence sector institutions. The Secretariat would welcome direction in the mandate from the Council that it should consult all partners and potential recipients of United Nations support in connection with operations in Mali, the purpose of which would be to ensure that the requisite measures are undertaken and mechanisms put in place to ensure the implementation of the human rights due diligence and defence sector reform policies.

96. As noted above, I intend to take immediate steps to strengthen the United Nations presence in Bamako with a strong human rights capacity. This presence could evolve into a multidimensional United Nations mission with a mandate to provide the Malian authorities with long-term stabilization and peacebuilding assistance. Such a mission would include a strong human rights presence to monitor, report and respond to international humanitarian and human rights law violations by all parties and contribute to supporting the national authorities in protecting human rights. The United Nations would need to begin planning and preparations

immediately in order to ensure that no security or administrative vacuum emerges from a possible military intervention in the north. Should the Council concur, I will initiate an integrated assessment and planning process and revert with specific proposals for further consideration.

97. Funding for the possible activities outlined above could be provided through United Nations assessed contributions, voluntary contributions and/or bilateral or multilateral direct contributions. The potential financial implications of the proposed operations would depend on further guidance on, and the development of, the areas presented herein, in addition to an indication from the Council. Nevertheless, a preliminary indication of possible costs would be presented separately to the Council. Consideration could also be given to the possible deployment of a United Nations peacekeeping operation after the end of major combat operations.

98. I believe that it is imperative that the international community act swiftly to help to restore Mali's territorial integrity and deal with the terrorist threat in the north. I remain convinced that the complex challenges facing Mali require a comprehensive, coordinated and multifaceted response, within the broader context of an integrated strategy for the Sahel. The urgent need for progress on the political track cannot be overstated. I reiterate my call upon all Malians to engage in an inclusive national dialogue aimed at healing the rifts that have brought disaster upon their country.

99. While military force may be required at some stage as a last resort to rid the north of Al-Qaida and its affiliates, it is of paramount importance that every effort be made to minimize the potential humanitarian and human rights consequences of such action. Humanitarian considerations must therefore be factored into the planning process from the outset in order to avoid further suffering and population displacement and to ensure that humanitarian workers are able to gain access to those in need.

100. The United Nations is already active on several fronts. Humanitarian agencies are deeply engaged in reaching vulnerable populations, the Office of the United Nations High Commissioner for Human Rights is assessing human rights concerns and needs and technical experts in elections have begun their work with the Malian authorities. My Special Envoy for the Sahel is focused on the Sahel-wide issues that, if unaddressed, will make a sustainable solution in Mali impossible. My Special Representative for West Africa has increased his engagement with the Malian transitional authorities, groups in northern Mali and ECOWAS to support negotiations, while military planners have provided assistance to ECOWAS in developing the concept for the support mission. I believe that it would be more appropriate for United Nations partners in Mali, the region and the international community to do what may be required in other areas, such as counter-terrorism and potential offensive military operations in the north, where the United Nations is not best suited to play a direct role.

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Security Council

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General Assembly
Sixty-seventh session
Agenda item 105
Measures to eliminate international terrorism

Security Council
Sixty-seventh year

Identical letters dated 29 November 2012 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council

On the morning of 28 November 2012, two suicide bombers detonated two cars packed with a large quantity of explosives in the main square of the city of Jaramana, south-east of Damascus, killing and injuring several civilians and causing extensive damage to residential buildings.

The terrorist bombings killed 34 persons and injured 83 others, including women, some critically. Some 10 bags of the remains of unidentified persons have been recovered. The bombings also severely damaged six residential buildings and dozens of cars that were parked at the site of the attack. At the same time as the above-mentioned bombings, two other terrorists detonated two explosive devices, one in the Nahda quarter and one in the Qurayat quarter of Jaramana, causing light material damage.

The Syrian Arab Republic stresses that this cowardly act of terrorism, which targeted civilians at the height of the rush hour, just as pupils were heading to their schools and employees to their workplaces, will not succeed in undermining the coexistence and civil harmony that characterizes relations among Syrians and has been rooted in Syrian society for not only decades, but centuries. It also recalls that this act of terrorism is part of a series of similar acts that have been perpetrated in Syria's governorates by criminal gangs and mercenaries hired by countries from the region and outside it and that are providing the terrorists with financial and logistical support, as well as the political and media cover they need to escape punishment.

The States Members of the United Nations must clearly and unequivocally condemn these savage acts of terrorism that target innocent civilians, and stay the hand of those States that are financing such heinous acts and sheltering their perpetrators. The credibility of international counter-terrorism efforts and the chances of their success are at stake, in view of the terrorism that has come to characterize the Syrian crisis. More than ever before, the international community

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must demonstrate its seriousness by sending a stern message to the terrorists, and those States that sponsor them, in which they declare that acts of terrorism cannot be justified under any circumstances or for any reason and that the sponsors and perpetrators of terrorism will bear equally its dire consequences.

The Syrian Arab Republic expresses its appreciation for the statement issued by the spokesperson for the Secretary-General in which the Secretary-General condemns these acts of terrorism and calls on the Security Council also to condemn them. It further calls on the Council and Secretary-General to do what is required in order to hold accountable the perpetrators of those acts and the regional and international Powers that stand behind them, which have begun to boast of and trumpet their support for those terrorist groups that have recently been laying waste to Syria and the region. Continued international silence or acquiescence with regard to the actions of States that sponsor terrorism will inevitably and give rise yet again to legitimate doubts concerning the extent to which international terms of reference related to counter-terrorism, the most significant of which are the resolutions adopted by the Security Council under Chapter VII of the Charter of the United Nations, are being respected.

The Syrian Arab Republic is of the view that the Security Council will be putting itself in an unjustifiable position, from both a moral and humanitarian perspective, if it continues to ignore the pain being endured by the victims of terrorism and their relatives in Syria today. Accordingly, it is the responsibility of the Council and the Secretary-General to stop certain States members of the Security Council from continuing to provide political support for terrorism when they prevent the Council from condemning acts of terrorism in Syria, as they have done on previous occasions. Impeding the Council's counter-terrorism efforts will undoubtedly have a negative impact on international efforts to implement the international counter-terrorism mechanisms and hold accountable the perpetrators, sponsors and financers of terrorism, in accordance with the relevant provisions of international law. States that would prevent the Council from condemning these acts of terrorism will prove once again that they are pursuing narrow political interests at the expense of the lives and suffering of innocent Syrians, and that they wish the international counter-terrorism effort to continue to be characterized by double standards and political hypocrisy.

I should be grateful if the present letter could be circulated as a document of the General Assembly, under agenda item 105, and of the Security Council.

(*Signed*) Bashar **Ja'afari**
Ambassador
Permanent Representative

United Nations S/2012/896

Security Council

Distr.: General
30 November 2012

Original: English

Identical letters dated 29 November 2012 from the Permanent Representatives of Austria and Croatia to the United Nations addressed to the Secretary-General and the President of the Security Council

We refer herein to the attack on United Nations peacekeepers in Syria that occurred today, 29 November 2012. This serious incident, mainly involving members of the Austrian and Croatian contingent serving with the United Nations Disengagement Observer Force (UNDOF), took place on the road between UNDOF headquarters, "Camp Faouar", and the airport in Damascus. A convoy of more than 140 soldiers, mostly Austrian and Croatian, of the UNDOF AUSBATT battalion on rotation was attacked on its way to the airport by unidentified fire. Four soldiers were injured, two of them seriously. The airport road, which had been closed earlier by the Syrian authorities, was reopened for passage immediately prior to the attack. Despite previous clearance by the Syrian authorities, the convoy was attacked.

Austria and Croatia strongly condemn this unacceptable attack on United Nations peacekeepers and request that a full investigation of the attack be conducted and those responsible held accountable. In this regard, we would like to emphasize that Syria must ensure the security of all UNDOF personnel and other peacekeeping forces carrying out their mandate and take all necessary steps to avoid similar attacks in the future. Most recently, the Security Council, in paragraph 2 of its resolution 2052 (2012), unanimously called on all parties to ensure the security of, as well as unhindered and immediate access for, United Nations personnel carrying out their mandate, in conformity with existing agreements.

We should be grateful if you would have the present letter distributed as a document of the Security Council.

(*Signed*) Martin **Sajdik**
Permanent Representative of Austria
to the United Nations

(*Signed*) Ranko **Vilović**
Permanent Representative of the
Republic of Croatia to the United Nations

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United Nations S/2012/897

Security Council

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27 November 2012

Original: English

Report of the Secretary-General on the United Nations Disengagement Observer Force for the period from 1 July to 31 December 2012

I. Introduction

1. The present report gives an account of the activities of the United Nations Disengagement Observer Force (UNDOF) during the past six months, pursuant to the mandate contained in Security Council resolution 350 (1974) and extended in subsequent resolutions, most recently resolution 2052 (2012).

II. Situation in the area and activities of the Force

2. During the period under review, despite isolated violations, the ceasefire in the Israel-Syrian Arab Republic sector generally was maintained. However, the Syrian Arab Armed Forces expanded their deployment and carried out military activities, including security operations, in the UNDOF area of operations, ostensibly to contain domestic unrest and the activities of armed elements. The continued presence of those forces and unauthorized military equipment inside the area of separation are a grave violation of the 1974 Disengagement of Forces Agreement. On at least three occasions, Syrian armed forces fire impacted across the Alpha (ceasefire) line on the Israeli-occupied Golan. The Israel Defense Forces (IDF) retaliated with fire on three occasions. Firing by both forces across the ceasefire line is also in serious violation of the Agreement.

3. During a firefight between Syrian armed forces and armed members of the opposition on 25 September, UNDOF observed four mortar rounds from a Syrian position detonate across the ceasefire line on the Israeli-occupied Golan. On 8 November, IDF informed UNDOF that three Syrian mortar or artillery shells landed in and around the village of Alonei Habashan, located on the Alpha side. Upon visiting the spot on the Alpha side, IDF showed UNDOF an unexploded kinetic tank grenade inside the village and two fresh craters where two more shells had exploded in the vicinity. On 11 November, IDF informed UNDOF that small arms fire and one mortar shell had impacted west of the ceasefire line. UNDOF inspected the site and found a fresh crater with clearly identifiable fragments of a Syrian artillery shell. IDF later informed UNDOF that they had fired one missile round in retaliation towards Bir Ajam inside the area of separation. On 12 November, UNDOF observed a mortar round impact approximately 70 m from an IDF observation post; however,

this was east of the ceasefire line. Approximately one hour later, UNDOF observed two IDF tank rounds fired across the ceasefire line. UNDOF did not observe any casualties or damage from the IDF fire. Most recently, on 18 November, Syrian authorities reported that two Syrian soldiers were killed and two others injured as a result of IDF fire across the ceasefire line. According to IDF sources, Israeli troops targeted a Syrian armed forces position near Bir Ajam in the area of separation with anti-tank missiles after an IDF patrol vehicle had sustained damage as a result of Syrian fire. The Syrian armed forces denied that they had fired on the IDF patrol, accusing armed elements of having done so to prompt IDF retaliatory fire. UNDOF confirmed that an IDF patrol vehicle had sustained six bullet impacts, but was not able to identify the perpetrator of the firing on the IDF patrol. UNDOF confirmed that IDF had fired missiles across the ceasefire line in the direction of Bir Ajam. UNDOF was not able to confirm any casualties in the area where the IDF fire landed owing to the security situation.

4. Throughout the reporting period, there were numerous clashes between Syrian security forces and armed members of the opposition in several villages in the area of limitation, particularly the southern and central parts. The area of separation also saw sporadic, often intense, firefights between the Syrian armed forces and armed members of the opposition, largely in the central areas of Jabbata, Trunje, Al Horaye and Ufaniyah. The most serious incidents in these areas occurred from 18 to 23 July and on 25 and 26 September, when approximately 1,760 armed Syrian security forces personnel, including soldiers of the Syrian Arab armed forces, entered the area of separation. From the end of October into November, the focus of military activities between Syrian armed forces and armed members of the opposition expanded to include the villages of Jasim, Baraika and Bir Ajam, and the forest to the west up to the ceasefire line. On 31 October, Syrian armed forces launched a massive offensive, reportedly to neutralize up to 400 armed members of the opposition who had massed in that part of the area of separation. On 3 November, they launched a renewed ground offensive against armed members of the opposition, employing at least four main battle tanks, mortar fire and two armoured personnel carriers painted white with black lettering, in the vicinity of Baraika and Bir Ajam inside the area of separation.

5. In using its best efforts to maintain the ceasefire and to see that it is scrupulously observed, as prescribed by the Disengagement Agreement, UNDOF observed and reported instances of transborder movements between Lebanon and the Syrian Arab Republic of unidentified armed individuals in the northern part of the area of separation. On 27 September, a group of 10 persons coming from the direction of Arneh Valley inside the area of separation proceeded north on foot across the border into Lebanon in the Mount Hermon area and handed over weapons to a group of 13 masked persons in black attire. The latter group proceeded south back into the area of separation, where UNDOF observed them change into civilian clothes and apparently stash the weapons, subsequently moving east out of the area of separation.

6. On 29 September, UNDOF saw nine Syrian security forces personnel killed by 13 armed members of the opposition during an ambush inside the area of separation, in the vicinity of United Nations position Hermon South in the Mount Hermon area.

7. Hundreds of local civilians, mostly women, children and elderly persons, have been affected by the ongoing military activities in the area of separation. On 19 July alone, approximately 800 to 900 local civilians left Jabbata with their personal belongings for villages in the southern parts of the area of separation following a

major operation involving 446 Syrian security forces, including soldiers, armed with assault rifles and machine guns. During subsequent clashes between soldiers of the Syrian armed forces and armed members of the opposition in Jabbata on 25 September, approximately 250 civilians, the majority women and their children, pitched tents near the ceasefire line in an effort to seek shelter from the firing.

8. On several occasions, wounded persons, including Syrian Arab armed forces personnel and members of the armed opposition, have sought medical assistance from UNDOF at United Nations positions. UNDOF has provided immediate first aid and emergency medical treatment on a humanitarian basis, when feasible. UNDOF helped the Syrian Arab Red Crescent on several occasions to treat wounded members of the armed opposition and remove dead bodies after informing the Senior Syrian Arab Delegate, the main interlocutor of UNDOF on the Bravo side, and the Liaison Officer on the Israeli-occupied Golan, and liaising with the International Committee for the Red Cross (ICRC). In addition, UNDOF has been asked to provide a number of other humanitarian services, ranging from the provision of food and water to facilitating the safe passage of civilians from villages under fire. On 5 November, 40 to 50 civilians came to United Nations position 69 and asked UNDOF to facilitate the safe passage of nearly 1,000 civilians from the village of Baraika. Attempts by UNDOF/United Nations Truce Supervision Organization (UNTSO) military observers to enter the village were halted after the windshield of the lead vehicle was hit by sniper fire. On 8 November, following clashes in Bir Ajam, UNDOF attempted, on a strictly humanitarian basis, to facilitate the movement of the Syrian Arab Red Crescent to provide safe passage to civilians out of the village. The convoy came across a firefight between Syrian armed forces and armed members of the opposition, at which point it turned around. Soon thereafter, the convoy was stopped by Syrian armed forces soldiers who forced Syrian Arab Red Crescent personnel from their vehicles. UNDOF soldiers observed Syrian soldiers pointing their guns at the Red Crescent personnel lying on the ground. After approximately five minutes, the convoy was allowed to proceed.

9. Syrian Arab armed forces fire in the UNDOF area of operations has at times impacted in close proximity to United Nations personnel and facilities. Between 15 and 17 October, UNDOF observed several detonations and gunfire within a 3-km radius of its headquarters in Camp Faouar. On occasion, shots have been fired at UNTSO military observers carrying out activities in clearly marked United Nations vehicles in the area of limitation. The UNTSO military observers are operationally integrated in UNDOF as Observer Group Golan and are under the operational control of the UNDOF Force Commander. There have also been instances when Syrian armed forces personnel pointed their guns in a threatening manner at UNDOF personnel, including on 25 September when four Syrian soldiers at a checkpoint pointed their rifles at the vehicle of the UNDOF Force Commander. Most recently, on 21 November, two military observers of Observer Group Golan were detained and threatened at gunpoint by Syrian soldiers during a planned inspection of a Syrian position in the area of limitation on the Bravo side. Of particular concern was the use by Syrian armed forces, early in November, of two white armoured personnel carriers, which could have been mistaken for United Nations vehicles, in the vicinity of Bir Ajam inside the area of separation (see para. 4). After a strong protest from UNDOF and from the Assistant Secretary-General for Peacekeeping Operations during a meeting with the Minister of Defence of the Syrian Arab Republic, two tanks and the white armoured personnel carriers

were withdrawn from the area of separation. Tank and mortar rounds impacted within 50 m of United Nations positions 68 and 69. Facilities of both positions were hit by small arms fire.

10. Since Syrian security operations started inside the area of separation, checkpoints inside the area of separation, manned by Syrian security forces and Syrian armed forces personnel, have been established on a permanent basis. Soldiers of the Syrian armed forces also maintained checkpoints at the eastern entrances to the area of separation, to control and restrict traffic. In recent weeks, firing, from inside and outside the area of separation, by artillery, mortars, main battle tanks, machine guns and anti-aircraft guns towards Jabata, Trunje, Ufaniyah, Al Horaye, Bir Ajam, Braika and/or Jasim has been occurring on a daily basis. The Senior Syrian Arab Delegate, as well as armed members of the opposition, have advised UNDOF several times that all United Nations personnel should avoid the areas mentioned for security reasons.

11. The UNDOF Force Commander has done his utmost to stress to Syrian authorities that the military operations of the Syrian Arab armed forces in the area of separation are a breach of the Disengagement Agreement. On each occasion, UNDOF has protested at the entry of Syrian soldiers and the shooting into and inside the area of separation. When Syrian armed forces have nevertheless proceeded with the operations, the UNDOF Force Commander continued to remind the Syrian authorities of their obligation to halt those activities in the area of separation, cease firing from the area of limitation and abide by the terms of the Disengagement Agreement. The UNDOF Force Commander emphasized to Syrian authorities that firing across the ceasefire line is a violation of the Disengagement Agreement.

12. The UNDOF Force Commander has also maintained close liaison with IDF on security developments in the area of separation and urged maximum restraint, also emphasizing that firing across the ceasefire line is a violation of the Disengagement Agreement. During the Syrian security operations, IDF reinforced its troops along the technical fence as a precautionary measure. UNDOF maintained close liaison with IDF and the Senior Syrian Arab Delegate throughout.

13. In other incidents, on 29 August, one small civilian aircraft breached the ceasefire line from the Alpha side and momentarily flew over the town of Quneitra. On 3 October, 13 IDF soldiers crossed the ceasefire line after observing several armed civilians in the area of separation. UNDOF protested about both incidents to IDF as violations of the Disengagement Agreement.

14. Within this increasingly challenging operational environment, UNDOF supervised the area of separation by manning fixed positions and patrols to ensure that military forces of either party were excluded from it. UNDOF also carried out fortnightly inspections of equipment and force levels in the areas of limitation. Liaison Officers from the Alpha side accompanied inspection teams of Observer Group Golan. On the Bravo side, Syrian authorities ceased the practice of providing Liaison Officers to accompany Observer Group inspection teams following the abduction on 30 July of a Syrian Liaison Officer accompanying the military observers by unknown armed persons in the area of limitation. As in the past, both sides denied inspection teams access to some of their positions and imposed restrictions on the Force's freedom of movement. Beyond such routine and temporary restrictions, Observer Group Golan continued to encounter restrictions of movement in the southern and central parts of the area of limitation on the Bravo

side, where both Syrian armed forces and armed members of the opposition have interfered with the conduct of Observer Group patrols. Syrian authorities denied access, largely in the vicinities of As Sharajah, Harra, Jaseem, Kanakir, Namir, Nawa and Tasil, ostensibly for reasons of safety and security of the military observers.

15. UNDOF adopted a number of necessary security measures to ensure the safety and security of its personnel. Mitigation measures have included, inter alia, limiting movements and using alternative routes, limiting mobile operations when warranted, imposing a two-person-per-car movement code for vehicles and using armoured vehicles in the sensitive areas. UNDOF also has enhanced its patrolling along the ceasefire line with the Force Headquarters Company. An UNDOF platoon at Camp Ziouani has been put on standby, ready to reinforce United Nations position 60 on the Bravo side, where an alternative battalion command post has been established on a permanent basis. Additionally, a third platoon for the Force Headquarters Company was created by pooling manpower with effect from 19 October.

16. UNDOF continued to adapt its operational posture to the ongoing IDF training activities and new military construction in the area of limitation on the Alpha side and Syrian civilian development growth in proximity to the ceasefire line in the area of separation. New defensive positions were constructed in the areas of limitation on the Alpha and Bravo sides. IDF enhanced the technical fence and established physical obstacles along the technical fence to prevent crossings from the area of separation. Both sides maintained existing defensive positions in the respective areas of limitation. Israeli national Customs officials continued to operate periodically at the IDF post at the UNDOF crossing gate between the Israeli-occupied Golan and the Syrian Arab Republic.

17. The Force continued to assist ICRC with the passage of civilians through the area of separation. During the past six months, UNDOF assisted in the crossing of 137 students and one bride, and seven humanitarian crossings. UNDOF, together with ICRC, facilitated the release of four Syrian civilians who were apprehended and detained by IDF on the Alpha side after allegedly crossing the ceasefire line. UNDOF provided medical treatment to 245 civilians, in addition to the immediate first aid and emergency medical treatment provided on a strictly humanitarian basis (see para. 8).

18. In the area of operations, especially in the vicinity of the ceasefire line in the area of separation, mines continued to pose a threat to UNDOF personnel and local inhabitants. Owing to the long-term presence of the mines and the deterioration of their detonation systems, the threat has increased. With improved mine clearing and detection capacity, UNDOF continued to carry out operational mine clearance.

19. As mentioned above, the UNDOF Force Commander and his staff maintained close contact with the military authorities of Israel and of the Syrian Arab Republic.

20. In view of the population growth and multiple construction developments in the area of separation and area of limitation, the expansion of agricultural and cattle grazing areas, and an overall increase in civilian activities, UNDOF continued its efforts as a matter of course to liaise with local authorities and civilians to explain the mission's mandate and activities. This was also important in the light of the security situation in the UNDOF area of operations, and in an effort to ensure the safety and security of United Nations personnel on the ground. However, the UNDOF civil affairs capacity, composed of a Civil Affairs Officer and Observer Group Golan,

was restricted owing to a lack of cooperation from Syrian authorities in facilitating contact with the local authorities and the civilian population on the Bravo side.

21. As at 20 November, UNDOF comprised 1,035 troops from Austria (377), the Philippines (340), India (192), Croatia (95) and Japan (31). A total of 15 personnel are employed by Japan as a national support element. Three military personnel from Canada left UNDOF on 6 September 2012 at the instruction of their Government. In addition, 77 military observers from UNTSO assisted the Force in carrying out its tasks.

22. In view of the security situation, UNDOF enhanced efforts to ensure the necessary strategic reserve and the Force's self-sustainment capability. UNDOF continued to implement the rehabilitation programme to maintain and upgrade its equipment and infrastructure in an effort to maintain its operational and security capacity. New long-range observation equipment, night vision devices and armoured vehicles were procured and deployed with a view to enhancing force protection, and specialized training was provided where necessary. In addition, new offices have been constructed at UNDOF headquarters and the rehabilitation programme is ongoing at the UNDOF logistics base, Camp Ziouani.

23. During the reporting period, UNDOF remained up to date with its contingency planning for various scenarios relating to its operational environment. UNDOF continued to make adequate preparations for the short and medium terms, consistent with United Nations Headquarters policies pertaining to the safety and security of United Nations personnel and assets. The mission continually reviewed its military security and related contingency planning to include possible scenarios related to increased threats due to the domestic instability in the Syrian Arab Republic. Owing to the security situation, UNDOF international staff and members of Observer Group Golan were relocated from Damascus to Camp Faouar and the Alpha side. Should the situation deteriorate and result in conditions under which it is no longer feasible for UNDOF to use the airport in Damascus, my representatives have informed Syrian authorities that it would be necessary for UNDOF to use alternative ports of entry and departure for the mission's personnel, including staff officers and contingent members.

III. Financial aspects

24. By its resolution 66/276, the General Assembly appropriated the amount of $46 million for the maintenance of the Force for the period from 1 July 2012 to 30 June 2013. Should the Security Council approve my recommendation, set out in paragraph 33 below, with respect to the extension of the mandate of UNDOF, the cost for the maintenance of the Force during the extension period will therefore be limited to resources approved by the General Assembly.

25. As at 16 November 2012, unpaid assessed contributions to the UNDOF Special Account amounted to $15.9 million. Total outstanding assessed contributions for all peacekeeping operations at the same date amounted to $1,692.2 million.

26. As at 16 November 2012, amounts owed to contributors for troop costs totalled $1.1 million. Reimbursements for troop costs and for equipment and self-sustainment have been made for the periods up to 30 September 2012 and 30 June 2012, respectively, in accordance with the quarterly payment schedule.

IV. Implementation of Security Council resolution 338 (1973)

27. The Security Council, when deciding in its resolution 2052 (2012) to renew the mandate of UNDOF for a further period of six months, until 31 December 2012, also called upon the parties concerned to implement immediately its resolution 338 (1973), and requested me to submit, at the end of the period, a report on developments in the situation and the measures taken to implement that resolution. The search for a peaceful settlement in the Middle East, in particular the efforts undertaken at various levels to implement resolution 338 (1973), was dealt with in my report on the situation in the Middle East (A/67/342), submitted pursuant to General Assembly resolutions 66/18, entitled "Jerusalem", and 66/19, entitled "The Syrian Golan".

28. Since the discontinuation of indirect peace talks in December 2008, there have been no negotiations between the parties, and the Syrian crisis currently further complicates efforts towards Israeli-Syrian peace. I look forward to a peaceful resolution of the crisis and the resumption of efforts towards a comprehensive, just and durable peace settlement, as called for by the Security Council in its resolution 338 (1973) and other relevant resolutions.

V. Observations

29. I am deeply concerned about the evolution of the conflict in the Syrian Arab Republic, its impact on the Syrian population and its potential implications for the entire region. It is affecting the UNDOF area of operations significantly. The presence of Syrian Arab armed forces and unauthorized military equipment in the area of separation is a grave violation of the 1974 Disengagement of Forces Agreement between Israeli and Syrian forces. The military operations carried out by the Syrian Arab armed forces have affected adversely the efforts of UNDOF to effectively carry out the mandated tasks. I call on Syrian authorities to cease these activities in the UNDOF area of operations.

30. Recent incidents across the ceasefire line have shown the potential for escalation of tensions between Israel and the Syrian Arab Republic, and jeopardize the ceasefire between the two countries and the stability of the region. Indeed, all military activities in the area of separation pose a risk to the long-held ceasefire and to the local civilian population, as well as United Nations personnel on the ground. I am concerned that the presence of armed members of the opposition and the ongoing military activities of the Syrian security forces have the potential to ignite a larger conflict between Israel and the Syrian Arab Republic, with grave consequences. There should be no military activity of any kind in the area of separation.

31. The prevailing situation in the Syrian Arab Republic does not absolve the Government of that country of its responsibilities under international law, including the protection of civilian persons. The primary responsibility for the safety and security of United Nations personnel in the area of separation and the area of limitation on the Bravo side also rests with the Government of the Syrian Arab Republic. It is imperative that respect for the privileges and immunities of UNDOF and its freedom of movement is ensured.

32. The commitment to the Disengagement Agreement must be upheld by both parties. I call on the Syrian Arab Republic and Israel to fulfil their obligations under the Disengagement Agreement and halt firing of any kind across the ceasefire line. I

trust that both sides will take all necessary measures to protect civilians and to ensure respect for the safety and security of UNDOF as well as its freedom of movement throughout its area of operations.

33. Under the prevailing circumstances, I consider the continued presence of UNDOF in the area to be essential. I therefore recommend that the Security Council extend the mandate of the Force for a further period of six months, until 30 June 2013. The Government of the Syrian Arab Republic has given its assent to the proposed extension. The Government of Israel also has expressed its agreement.

34. In conclusion, I wish to express my appreciation to Major General Iqbal Singh Singha and the military and civilian personnel serving with UNDOF and UNTSO. They have performed with efficiency and commitment the important tasks assigned to them by the Security Council. I also would like to express my appreciation to Major General Natalio Ecarma for his exemplary leadership and dedicated service in UNDOF for over two years. I have full confidence that UNDOF will continue to carry out its mission effectively under the leadership of General Singha. I take this opportunity to express my appreciation to the Governments contributing troops to UNDOF and to those which provide the UNTSO military observers assigned to the Force.